The

Journal of the Assembly

OF THE

SEVENTY-SECOND SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2003

BEGUN ON MONDAY, THE THIRD DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SECOND DAY OF JUNE

VOLUME 1

THE FIRST DAY—THE SEVENTY-FIFTH DAY

SEE VOLUME 3 FOR INDEX

SPO, Carson City, Nevada, 2004

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ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 78 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	February 3, 2003	1
2	February 4, 2003	63
3	February 5, 2003	67
4	February 6, 2003	70
5	February 7, 2003	77
8	February 10, 2003	79
9	February 11, 2003	86
11	February 13, 2003	91
12	February 14, 2003	106
15	February 17, 2003	113
16	February 18, 2003	118
17	February 19, 2003	130
18	February 20, 2003	140
19	February 21, 2003	154
22	February 24, 2003	159
23	February 25, 2003	163
24	February 26, 2003	166
25	February 27, 2003	180
26	February 28, 2003	194
29	March 3, 2003	200
30	March 4, 2003	206
31	March 5, 2003	217
32	March 6, 2003	227
33	March 7, 2003	240
36	March 10, 2003	244
37	March 11, 2003	251
39	March 13, 2003	260
40	March 14, 2003	277
43	March 17, 2003	291
44	March 18, 2003	341
45	March 19, 2003	347
46	March 20, 2003	352
47	March 21, 2003	359
50	March 24, 2003	364
51	March 25, 2003	405
52	March 26, 2003	410
53	March 27, 2003	417
54	March 28, 2003	430
57	March 31, 2003	434
59	April 2, 2003	445
60	April 3, 2003	459
61	April 4, 2003	482
64	April 7, 2003	497
66	April 9, 2003	507
68	April 11, 2003	537
71	April 14, 2003	551

Calendar Day	*Date*	*Page Number*
72	April 15, 2003	583
73	April 16, 2003	625
74	April 17, 2003	689
75	April 18, 2003	744
78	April 21, 2003	854
79	April 22, 2003	1222
81	April 24, 2003	1272
82	April 25, 2003	1281
85	April 28, 2003	1285
86	April 29, 2003	1293
87	April 30, 2003	1301
88	May 1, 2003	1307
89	May 2, 2003	1319
93	May 6, 2003	1324
96	May 9, 2003	1341
100	May 13, 2003	1368
102	May 15, 2003	1402
103	May 16, 2003	1456
104	May 17, 2003	1473
106	May 19, 2003	1508
108	May 21, 2003	1545
109	May 22, 2003	1623
110	May 23, 2003	1706
111	May 24, 2003	1773
113	May 26, 2003	1829
114	May 27, 2003	2042
115	May 28, 2003	2144
116	May 29, 2003	2181
117	May 30, 2003	2205
118	May 31, 2003	2233
119	June 1, 2003	2312
120	June 2, 2003	2353

LISTING OF ASSEMBLY BILLS AND ACTION THEREON

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

No. *Summary, Introducer and Page Reference*

1.... Repeals prohibition against cosmetological establishment engaging in certain practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 48.

2.... Limits right of employer to own certain intellectual property developed by employee. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Oceguera. 49, 581, 588, 663*.

3.... Provides for paid leave of absence of certain duration for certain public officers and employees who donate bone marrow or certain organs. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Gibbons. 49, 583, 584, 591, 627, 725, 742, 838*.

4.... Revises provisions governing licenses to hunt, fish, or hunt and fish. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Gibbons. By request. 49, 206, 207, 261.

5.... Requires Director of Department of Human Resources to include in State Plan for Medicaid requirement that young adults who have "aged out" of foster care are eligible for Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 49, 140, 145, 261.

6.... Changes dates by which mental health consortia are required to prepare recommended plans and submit plans to Department of Human Resources and to Legislative Committee on Children, Youth and Families. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 49, 140, 157, 161, 165, 170, 189*, 190, 1282, 1299.

7.... Reduces concentration of alcohol that may be present in blood or breath of person while operating vehicle or vessel. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Manendo. 50, 261, 411, 421, 1773, 1840, 2062*, 2064, 2192, 2231.

8.... Revises provisions pertaining to child abuse. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Manendo. 50.

9.... Makes various changes concerning tort actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel. 50.

10.... Repeals various crimes and revises definition of public telephone for purpose of statute prohibiting persons from refusing to relinquish public telephone for emergency call and from falsely stating that public telephone is needed for emergency call. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 50, 86, 103, 109, 114*, 115, 195, 224, 236.

11.... Provides increased penalty for certain repeat offenses involving vandalism. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 51.

12.... Revises provisions regarding policy that must be adopted concerning sale of tobacco products through use of Internet. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 51.

13.... Eliminates panel of judges in certain penalty hearings in which death penalty is sought and requires district attorneys to report certain information concerning certain homicides to Supreme Court. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 51, 165, 261, 498, 510, 515, 1325, 1365, 1396, 1432*, 2168, 2171, 2231.

14.... Makes various changes to penalty hearing when death penalty is sought and revises mitigating circumstances for murder of first degree. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 51, 411, 421, 432, 440*.

15.... Prohibits sentence of death for person who is mentally retarded. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 52, 411, 421, 432, 440*, 1370, 1495, 1496, 1543.

16.... Provides for genetic marker analysis of certain evidence related to conviction of certain offenders sentenced to death. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Judiciary. 52, 261, 498, 515, 516, 1325, 1365, 1396, 1432*, 1829, 1843, 1844, 2179.

17.... Makes various changes concerning defense in cases involving first degree murder. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Judiciary. 52, 227, 241, 247*, 1320, 1322, 1338.

No. *Summary, Introducer and Page Reference*

18.... Requires posting of bond by probationers and parolees who request permission to reside in another state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 52.

19.... Provides for issuance of "United We Stand" special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Chowning. 52, 154, 159, 198, 435, 447, 476*, 1282, 1299, 2032.

20.... Makes appropriation to Department of Motor Vehicles for creation and maintenance of branch office in Wendover. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Carpenter. 53.

21.... Makes changes related to practice of Oriental medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani and Gibbons. 53, 482, 501, 532*, 1773, 1804, 2142.

22.... Revises requirements for licensure of nurses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto. 53, 86, 103, 109, 115*, 359, 402.

23.... Increases compensation of certain elected county officers and authorizes board of county commissioners to set salary of county commissioners. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Perkins. 53, 583, 584, 594, 663*, 1773, 2188, 2189, 2222, 2239, 2417, 2418, 2444.

24.... Revises provisions governing authority of Attorney General to bring criminal and civil actions relating to practice of certain occupations and professions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 53, 261.

25.... Authorizes employee of agency which provides child welfare services to provide maintenance and special services to certain children under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Health and Human Services. 54, 180, 198, 261, 1308, 1320, 1332*, 1509, 1622.

26.... Provides immunity from liability to certain governmental entities and actors for damages caused by equipment or other personal property donated by any of them to volunteer fire department. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Oceguera. 54, 118, 132, 145*, 240, 249.

27.... Revises method for adjusting presumptive maximum amounts of child support owed by noncustodial parents. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 54, 165, 170, 189, 190*, 405, 414.

28.... Provides procedure for parties to adoption to enter into enforceable agreement for post-adoptive contact. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson. 54.

29.... Makes various changes concerning administrative assessments and forfeiture of bail. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 55, 750, 787, 841, 843, 894, 1473, 1514, 1601, 1602*, 2168, 2171, 2231.

30.... Revises provisions regarding registration of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McClain. 55, 478, 485, 504*, 1773, 2028, 2168, 2169, 2218, 2223, 2352.

31.... Makes appropriation to Lincoln County for improvement of facilities at fairgrounds in Panaca. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Collins. 55.

32.... Revises certain provisions governing public utilities, alternative sellers, providers of discretionary natural gas service, providers of new electric resources and eligible customers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 55, 497, 516, 550, 570*, 1509, 1701, 1702, 2042, 2139, 2214, 2216, 2223, 2352.

33.... Provides additional penalty for manufacturing methamphetamines in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Horne. 55, 165, 170, 189, 190*, 191, 359, 402.

34.... Provides that once person has been convicted of felony for operating vehicle or vessel while under influence of alcohol or controlled substance, any subsequent violation is treated as felony. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Conklin and Anderson; Senator Amodei. 56, 244, 257, 258, 261.

35.... Makes various changes concerning Legislative Committee for Local Government Taxes and Finance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 56, 434, 448, 476, 477*, 1509, 1622.

36.... Revises provisions relating to control of emissions from engines of certain motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 56, 745, 746, 750, 1211*, 1371, 1454.

37.... Revises applicability of certain reduction of premiums of certain policies of insurance related to motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gibbons. 56.

No. *Summary, Introducer and Page Reference*

38.... Ratifies technical corrections made to NRS and Statutes of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 56, 91, 109, 115*, 180, 214.

39.... Directs Legislative Counsel to resolve nonsubstantive conflicts between legislative acts and to give effect to multiple amendments to sections of Nevada Revised Statutes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 57, 91, 109, 115*, 227, 243.

40.... Extends period of limitations for commencing civil action after action has been dismissed under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Oceguera. 57, 200, 209, 223*, 1509, 1536, 1829, 1835, 2173, 2193, 2352.

41.... Converts Division of Wildlife of State Department of Conservation and Natural Resources into Department of Wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Collins. 57, 261, 446, 461, 1404, 1465, 1466*, 1773, 2142.

42.... Requires drivers of motor vehicles to stop in obedience to direction or traffic-control signal of school crossing guard and not proceed until highway is clear of all persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Judiciary. 63, 200, 210, 223*, 1282, 1299.

43.... Makes various changes to provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 64.

44.... Provides for issuance of special license plates for Kerak Shrine, Ancient Arabic Order, Nobles of the Mystic Shrine of North America, located in Reno, Nevada, or its successor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel. 64.

45.... Provides for adjustment of state funding to school districts when pupils drop out of school after count of pupils is calculated. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Williams and Giunchigliani. 65, 261.

46.... Revises requirements for publication of notice of certain meetings of board of county commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Grady, Collins, Goicoechea, Hettrick, Koivisto, Marvel, McClain, and Sherer. 67, 118, 132, 145*, 405, 414.

47.... Requires Legislative Auditor to conduct audit of University and Community College System of Nevada and Board of Regents of University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Giunchigliani. By request. 67, 68, 261.

48.... Provides expressly that certain provisions related to labor include persons unlawfully employed. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani. 67, 432, 438, 457*, 1773, 1805, 2142.

49.... Revises definition of renewable energy to include waterpower for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Griffin and Hardy. 73.

50.... Revives for limited time certain causes of action based on effects of silicone that is injected or implanted into body. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, McClain, Ohrenschall, Parks, Chowning, Atkinson, Buckley, Claborn, Collins, Conklin, Goldwater, Leslie, Manendo, McCleary, Pierce, and Williams; Senator Carlton. 73.

51.... Revises provisions regarding anatomical gifts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, Gibbons, McClain, Parks, Anderson, Atkinson, Buckley, Chowning, Claborn, Collins, Conklin, Goldwater, Horne, Leslie, Manendo, McCleary, Ohrenschall, Sherer, and Williams. 73, 180, 198, 203*, 1370, 1492, 1495, 1543.

52.... Provides for issuance of standard high school diplomas to certain veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie, Giunchigliani, Chowning, McClain, Gibbons, Anderson, Atkinson, Buckley, Collins, Horne, Koivisto, Manendo, Oceguera, and Parks. 77, 507, 542, 570*, 1320, 1338.

53.... Enhances criminal penalty for committing assault or battery upon certain providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Oceguera, Leslie, Koivisto, Parks, Giunchigliani, Buckley, Claborn, Conklin, Perkins, and Pierce. 79, 206, 220, 235*, 584, 722, 723, 1222, 1278.

54.... Revises provisions governing parental access to certain records of and information concerning child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson, Parks, Andonov, Buckley, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Horne, Leslie, Manendo, Oceguera, Sherer, and Williams. 80.

55.... Makes various changes concerning persons convicted of certain crimes. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Anderson, Parks, Buckley, Claborn, Conklin, Horne, Manendo, Oceguera, and Williams. By request. 80, 411, 423, 432, 441*, 1302, 1304, 1325, 1326, 2241, 2301, 2317.

56.... Amends provisions of Charter of City of Sparks governing boundaries of wards and voting powers of Mayor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson, Parks, Brown, Buckley, Claborn, Collins, Conklin, Geddes, Giunchigliani, Hettrick, Horne, Koivisto, Leslie, McClain, Oceguera, Sherer, and Williams. 80, 587, 588, 608, 663*, 1370, 1454.

No. *Summary, Introducer and Page Reference*

57.... Requires State Public Works Board to adopt certain seismic standards and requires certain governing bodies to amend their building codes to include certain seismic standards. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Anderson, Parks, Andonov, Buckley, Claborn, Collins, Conklin, Geddes, Giunchigliani, Hettrick, Horne, Koivisto, Leslie, Manendo, McClain, Oceguera, and Williams. 80, 435, 538, 553, 612*, 1773, 2008, 2009, 2179.

58.... Revises provisions governing prohibition against driver of motor vehicle allowing person to ride upon or within certain portions of motor vehicle under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Grady; Senator Amodei. By request. 80, 446, 461, 489*.

59.... Permits law enforcement agency to inspect certain records pertaining to abuse, neglect, exploitation or isolation of older persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 81.

60.... Revises provisions pertaining to certification of child for criminal proceedings as adult. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 81, 251, 275, 288, 295, 296*, 1509, 1778, 1779, 2142.

61.... Makes various changes to provisions governing testimony and evidence of witness who is granted immunity in criminal proceeding. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 81.

62.... Increases penalty for committing sexual assault not involving substantial bodily harm against child under age of 16 years. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 81, 261.

63.... Creates exception to hearsay rule for certain testimony offered at preliminary examinations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 82.

64.... Prohibits persons convicted of certain felonies from purchasing or possessing body armor. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 82.

65.... Authorizes collective bargaining for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 82, 261, 744, 746, 754, 1211*, 1212.

66.... Increases compensation of certain elected county officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 82.

67.... Amends Charter of City of Henderson to revise positions of city employment excluded from system of civil service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 82, 434, 449, 477*, 1370, 1454.

68.... Revises provisions governing payments for extra duty assignments for purposes of Public Employees' Retirement System. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Government Affairs. 83, 261, 893, 894, 964, 966, 1084.

69.... Expands exemption from requirement that State Public Works Board furnish engineering and architectural services for buildings constructed on state property or with legislative appropriation to certain improvements made by Division of Wildlife of the State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 83, 91, 109, 115, 508, 550, 570*, 1370, 1454.

70.... Limits certain fees which providers of health services that accept insurance payments may collect from patients. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani. 83, 445, 462, 490*.

71.... Authorizes Division of Wildlife of State Department of Conservation and Natural Resources to charge fees for advertisements on its website and in printed materials prepared by Division. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 83, 365, 398, 406, 413*, 1404, 1471.

72.... Converts Division of Wildlife of State Department of Conservation and Natural Resources into Department of Wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 84, 261.

73.... Revises provisions concerning certain crimes committed against older persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. McClain, Claborn, Chowning, Parks, Conklin, Anderson, Andonov, Arberry Jr., Atkinson, Buckley, Carpenter, Collins, Gibbons, Giunchigliani, Goldwater, Grady, Horne, Koivisto, Leslie, Manendo, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams. By request. 87, 200, 211, 260, 288, 301*, 1624, 1650, 1653, 1829, 1835, 2175, 2193, 2310.

74.... Provides for revolving fund to finance remediation of brownfield sites. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 87, 163, 170, 244, 258, 275, 288, 301*, 1302, 1322.

No. *Summary, Introducer and Page Reference*

75.... Revises provisions governing certification of organic agricultural products. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 87, 418, 431, 441*, 1302, 1322.

76.... Makes appropriation to Department of Human Resources for establishment of branch office in West Wendover. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Carpenter. 87.

77.... Authorizes certain inserts in tail lamps on motorcycles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle, Gustavson, Andonov, Beers, Brown, Claborn, Collins, Geddes, Gibbons, Goicoechea, Grady, Griffin, Hardy, Hettrick, Knecht, Mabey, McCleary, Mortenson, Ohrenschall, Sherer, and Weber; Senator Shaffer. By request. 88, 478, 486, 504*, 1302, 1322.

78.... Makes changes to various provisions pertaining to certain offenders who commit sexual offenses and crimes against children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. McCleary, Conklin, Claborn, Chowning, Angle, Atkinson, Christensen, Geddes, Griffin, Hettrick, Horne, Manendo, Marvel, and Weber. 88, 261, 459, 486, 504*, 1546, 1653, 1656, 1829, 1835, 2223, 2305, 2447.

79.... Provides for external review of final adverse determinations made by managed care organizations, health maintenance organizations and certain insurers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Buckley, Gibbons, Anderson, Manendo, Giunchigliani, Andonov, Angle, Arberry Jr., Atkinson, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Goicoechea, Goldwater, Grady, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Titus, Neal, and O'Connell. 88, 261, 445, 462, 489, 510, 532, 550, 571*, 1404, 1496, 1543, 2155.

80.... Revises provision governing deemed employer and wage of apprentice or trainee for purposes of industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn, Chowning, Giunchigliani, Koivisto, Oceguera, Anderson, Atkinson, Buckley, Conklin, Goldwater, Horne, Leslie, Manendo, McClain, McCleary, Mortenson, Ohrenschall, Parks, Perkins, Pierce, and Williams. 91.

81.... Revises remedies available in certain actions relating to intellectual property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Oceguera, Giunchigliani, Atkinson, Buckley, Claborn, Conklin, Horne, and Pierce. 92, 744, 746, 767, 1212*, 1371, 1610, 2042, 2058, 2173, 2174, 2193, 2310.

82.... Extends date of expiration of Newlands Project Water Rights Fund and related program for acquisition of certain surface water rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mortenson. 92, 206, 223, 260, 287, 301*, 1320, 1338.

83.... Makes various changes concerning certain motor vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Transportation. 92, 446, 472, 490*, 1302, 1322.

84.... Revises provisions concerning certain town advisory boards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 93, 583, 584, 598, 664*, 1773, 1813, 1814, 2142.

85.... Revises provisions governing revenue bonds for industrial development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 93, 445, 473, 490.

86.... Revises provisions concerning purchasing contracts of certain local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 93, 625, 627, 629, 724*, 1404, 1471.

87.... Makes various changes concerning notarial officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 93, 826, 827, 1212*, 1370, 1454.

88.... Revises provisions relating to Department of Information Technology. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 93, 94.

89.... Removes exemption for landlords who own and personally manage four or fewer residential dwellings from provisions relating to landlords and tenants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie, Giunchigliani, McClain, Parks, Atkinson, Buckley, Chowning, Collins, Horne, Koivisto, Manendo, and Oceguera. 94, 244, 258, 275, 288, 301*, 302.

90.... Increases limit on assessment for water distribution expenses incurred by State Engineer. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 94, 206, 223, 236*, 459, 493.

91.... Revises provisions governing regulation of pesticides. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 94, 260, 287, 894, 1256*, 1371, 1454.

No. *Summary, Introducer and Page Reference*

92 .... Makes various changes to requirements governing filing and form of certain documents. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 95, 498, 522, 550, 571*, 1509, 1537, 1539, 1622.

93 .... Makes various changes to provision governing electronic mail that includes advertisement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 95, 180, 198, 203*, 359, 402.

94 .... Revises provisions governing hours of operation for office of commissioner of civil marriages in certain larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 95, 194, 202, 212*, 359, 402.

95 .... Makes various changes to provision pertaining to authority and discretion of court to suspend sentence and grant probation in certain cases. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 95, 459, 487, 504, 505*, 1509, 1622.

96 .... Revises provisions governing smoking of tobacco in public places. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Judiciary. 96.

97 .... Makes various changes to provisions pertaining to domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 96.

98 .... Authorizes governing body of city to create department of alternative sentencing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 96.

99 .... Makes various changes regarding murder committed with intent to commit certain acts of terrorism. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Brown, Andonov, Angle, Beers, Christensen, Conklin, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Mortenson, Oceguera, Perkins, and Weber. 96.

100 .... Increases monetary limit of jurisdiction of justices' courts and provides for establishment of mandatory short trial program for civil cases in justices' courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brown, Knecht, Gibbons, Christensen, Andonov, Beers, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Mabey, Marvel, McCleary, Perkins, Sherer, and Weber. 97, 498, 523, 550, 575*, 1509, 1539, 1542, 1622.

101 .... Provides that divorce or annulment of marriage of settlor revokes certain provisions of revocable inter vivos trust related to former spouse under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson, Giunchigliani, Parks, Brown, Buckley, Conklin, Oceguera, Ohrenschall, and Sherer. 97, 194, 202, 212*, 359, 402.

102 .... Provides that eligibility for parole for prisoner serving consecutive sentences is based upon longest sentence. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 97, 261.

103 .... Requires Director of Department to submit list to each county clerk providing certain information concerning offenders who were released from prison or discharged from parole during previous month. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 97, 508, 543, 575*, 1404, 1471.

104 .... Reduces concentration of alcohol that may be present in blood or breath of person while operating vehicle or vessel. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 98, 261.

105 .... Provides additional credits against sentence of parolee under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 98, 411, 424, 432, 441*, 1302, 1322.

106 .... Revises penalty for driving under influence of intoxicating liquor or controlled or prohibited substance and revises qualifications of person who may apply to court to undergo program of treatment for alcoholism or drug abuse. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 98, 352, 361, 370*, 1308, 1338.

107 .... Provides additional penalty for committing certain crimes in violation of temporary or extended order for protection. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 98, 459, 487, 505*, 1624, 1780, 2142.

108 .... Makes various changes concerning investigation and prosecution of certain persons who sell or distribute alcoholic beverages to person under 21 years of age. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 98, 508, 544, 546.

109 .... Makes various changes to provisions pertaining to Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 99, 261.

110 .... Removes requirement of separate penalty hearing for defendant who is convicted of first degree murder where death penalty is not sought. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 99.

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111 .... Makes various changes related to processing and sale of dairy products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 99, 180, 198, 244, 258, 275, 288, 302*, 1282, 1299.

112 .... Requires examination by trained provider of health care of each child under age of 3 years who is reported as physically abused. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Health and Human Services. 99, 365.

113 .... Revises provisions in Charter of Carson City concerning Charter Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 100, 154, 161, 170, 189, 190*, 1308, 1338.

114 .... Provides qualifications for county offices of sheriff and constable. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 100, 744, 746, 768, 1212*, 1546, 1610, 1611, 2168, 2178, 2304, 2317, 2447.

115 .... Provides for issuance of special license plates indicating support for rights guaranteed pursuant to Second Amendment to United States Constitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gustavson, Angle, Sherer, Andonov, Atkinson, Beers, Brown, Carpenter, Christensen, Claborn, Conklin, Gibbons, Griffin, Hardy, Hettrick, Knecht, Mabey, Manendo, Marvel, Mortenson, Ohrenschall, Parks, Weber, and Williams; Senators Amodei, Cegavske, McGinness, Neal, Nolan, Rhoads, Shaffer, and Washington. 100.

116 .... Revises provisions relating to state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 100.

117 .... Makes various changes to provisions governing withholding of income which is ordered to enforce payment of child support. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 101, 508, 546, 576*, 1509, 1622.

118 .... Revises provisions regarding when sentence of death may be imposed. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani, Leslie, Anderson, Oceguera, Ohrenschall, Arberry, Atkinson, Buckley, Claborn, Collins, Conklin, Geddes, Goldwater, Horne, McClain, Pierce, and Williams. 101, 417, 431, 441*.

119 .... Revises provisions governing specification of expiration date for certain drugs or medicines. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Williams. 101, 440, 449, 477*, 1320, 1338.

120 .... Requires use of device to alert driver that child has been left within motor vehicle while secured in device for restraining child. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Williams, Leslie, Arberry, and Buckley. 101.

121 .... Makes appropriation to City of Caliente for construction of single-span replacement bridge over Clover Creek Wash on road leading to Caliente Youth Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 102.

122 .... Revises provisions governing calculation of basic support for school districts with declining enrollment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 102, 726, 739, 838*, 1377.

123 .... Makes appropriation to Lander County for design and construction of Battle Mountain Industrial Park and for support of Battle Mountain Flood Control Project. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 102.

124 .... Revises provisions governing apportionments from State Distributive School Account and distribution of money to school districts and charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 102.

125 .... Makes various changes to laws governing elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 102, 893, 894, 966, 1255, 1265, 1266*, 1546, 1784, 1785, 2142.

126 .... Revises definition of "exploitation" for purposes of provisions concerning abuse of older person and for purposes of provisions concerning civil liability for exploiting older person or vulnerable person. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Pierce, Anderson, Atkinson, Buckley, Claborn, Collins, Horne, Koivisto, McCleary, and Oceguera. By request. 103, 498, 515, 527, 530, 531, 550, 576*, 1325, 1454.

127 .... Repeals certain provisions relating to Commission on Ethics. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 103, 194, 202, 212*.

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128 .... Provides for issuance of driver's license with designation "Defensive Driver." Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Gibbons, Parks, Anderson, Collins, Geddes, Goldwater, Griffin, Gustavson, Hettrick, Leslie, Mabey, Oceguera, Sherer; Senators Coffin, Mathews, Schneider, Shaffer, and Wiener. 104.

129 .... Makes various changes concerning money deposited in certain accounts and funds for use by State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 106, 163, 170, 189, 190, 191*, 405, 414.

130 .... Makes various changes relating to State Department of Agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 107, 260, 287, 1370, 1406, 1466*, 1467, 1773, 2142.

131 .... Makes various changes relating to protection of cultural resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mortenson, Chowning, Claborn, Carpenter, Ohrenschall, Anderson, Atkinson, Buckley, Christensen, Collins, Conklin, Giunchigliani, Horne, Koivisto, Leslie, Marvel, McClain, Oceguera, Parks, Perkins, Pierce, and Williams. 107, 261.

132 .... Provides that in certain judicial districts proceedings concerning abuse or neglect of children are presumptively open to public and that in certain judicial districts such proceedings are presumptively closed to public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 107, 551, 562, 612*, 1509, 1536, 1537, 1774, 1835, 2196, 2198, 2223, 2352.

133 .... Revises provision governing duties that may be performed by masters in district courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 107, 251, 275, 288, 302*, 1302, 1304, 1322.

134 .... Provides civil penalty for failure of current or former employer of applicant for position as peace officer with law enforcement agency to provide certain information concerning applicant upon request of law enforcement agency. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 108.

135 .... Revises provisions governing authority of governing body of city to abate certain nuisances and dangerous and noxious conditions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 108, 277, 292, 342*, 1370, 1505, 1543.

136 .... Authorizes creation of general improvement district for establishment of area or zone for preservation of one or more species or subspecies of wildlife threatened with extinction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 108, 745, 746, 769, 1212*, 1773, 2142.

137 .... Revises reporting requirements of Bureau for Hospital Patients within Office for Consumer Health Assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 108, 194, 202, 212*, 418, 443.

138 .... Revises provisions governing use of cellular telephones, pagers and other electronic devices on school property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goldwater. By request. 108, 507, 546, 576*, 1325, 1454.

139 .... Exempts certain public utilities from provisions governing stocks, security transactions, mergers, acquisitions, changes in control, and disposal or encumbrance of property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 109, 434, 450, 477*, 1282, 1299.

140 .... Provides penalty for failure to comply with order to cease business operations at place of employment for failure to maintain or provide industrial insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 110, 291, 342, 349, 357, 361, 370*, 1282, 1299.

141 .... Makes various changes concerning enforcement of provisions requiring payment of prevailing rate of wages on public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 110.

142 .... Revises rate of interest required for late payments of certain taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 110, 261.

143 .... Makes various changes to labor laws and powers and duties of Labor Commissioner. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 110, 497, 523, 550, 576*, 1404, 1497, 1498, 1543.

144 .... Prohibits pharmacist from refusing to fill or refill prescription under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 111, 445, 473, 490, 491*, 492.

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145 .... Revises procedure for distribution of assessments collected on behalf of Consumer's Advocate of Bureau of Consumer Protection in Office of Attorney General. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 111, 430, 439, 457*, 1282, 1299.

146 .... Makes various changes to provisions governing State Board of Professional Engineers and Land Surveyors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 111, 497, 524, 550, 576*, 577, 1546, 2147, 2150, 2231.

147 .... Revises provisions relating to purchasing by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Oceguera, Claborn, Brown, Christensen, Conklin, Giunchigliani, Horne, McClain, McCleary, and Pierce. 111, 277, 292, 342*, 1370, 1454.

148 .... Requires Legislative Auditor to conduct audit of University and Community College System of Nevada and Board of Regents of University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Perkins, Leslie, Parks, Gibbons, Knecht, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Horne, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Pierce, Sherer, Weber, and Williams; Senators Care, Carlton, O'Connell, Amodei, Cegavske, Hardy, McGinness, Neal, Nolan, Rhoads, Schneider, Shaffer, Townsend, Washington, and Wiener. 114, 260, 287, 302*, 2379, 2388.

149 .... Makes various changes concerning local government finance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 114, 347, 357, 361, 370*, 1370, 1504, 1543.

150 .... Amends Charter of City of Las Vegas to clarify that City Attorney and Deputy City Attorneys may represent indigent persons in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Buckley. 119, 166, 189, 198, 203*, 1622, 1773, 2142.

151 .... Authorizes public guardian to appoint deputies and revises provisions relating to term of office of appointed public guardian. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 119, 498, 525, 550, 577*, 1404, 1496, 1543.

152 .... Authorizes certain counties to adopt ordinance providing, under certain circumstances, for interchangeable filling of certain county offices by way of ex officio service of certain other county officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 119.

153 .... Revises provisions regarding petty cash accounts of state agencies and Emergency Account in State General Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 119, 364, 407, 413*, 1546, 1772.

154 .... Revises provisions governing smoking of tobacco in public places. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. McCleary, Angle, Brown, Collins, and Mortenson. 119.

155 .... Makes various changes regarding background checks for purposes of employment and licensing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 120, 551, 562, 563, 612, 613*, 1404, 1440, 1441, 1454, 1624, 1626, 2211, 2212, 2223, 2352.

156 .... Abolishes plea of guilty but mentally ill and reinstates exculpation by reason of insanity. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 120, 690, 691, 838, 839*, 1546, 1780, 1783, 2142.

157 .... Revises provisions relating to consolidated insurance programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani. By request. 120, 893, 894, 904, 1255, 1266*.

158 .... Directs the Legislative Commission to conduct interim study concerning classification of peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Arberry, Anderson, Parks, Conklin, and Perkins. 121, 827, 828, 1212.

159 .... Requires payment of additional compensation to state employees in classified service for performance of certain dangerous duties. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Arberry, Anderson, Parks, Conklin, and Perkins. 121, 261, 1622.

160 .... Makes various changes to provide protection to certain persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Buckley, Parks, Giunchigliani, Goldwater, Anderson, Arberry, Atkinson, Beers, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Gibbons, Grady, Griffin, Horne, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, and Williams. 122, 498, 525, 550, 577*, 1773, 1797, 1800, 2142.

161 .... Revises provisions relating to use of safety belts in motor vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Transportation. 130.

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162 .... Requires Legislative Auditor to conduct performance audits of certain school districts and provides for formation of Business Advisory Councils. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Goldwater, Gibbons, Parks, Beers, Chowning, Andonov, Arberry, Buckley, Claborn, Collins, Conklin, Giunchigliani, Griffin, Hettrick, Horne, Koivisto, Leslie, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams. 131, 261, 291, 313, 333, 335, 343, 344*.

163 .... Makes various changes to provisions pertaining to business. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Goldwater, Gibbons, Parks, Chowning, Leslie, Anderson, Andonov, Arberry, Beers, Buckley, Claborn, Collins, Conklin, Giunchigliani, Griffin, Hettrick, Horne, Koivisto, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams. 131, 498, 527, 531, 541, 550, 577*, 1773, 1844, 1845, 1846, 1898, 2145, 2146, 2210, 2211, 2444.

164 .... Abolishes Marlette Lake Water System Advisory Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 131.

165 .... Revises provisions relating to Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Ways and Means. 131, 261.

166 .... Makes various changes concerning transfer of right to receive payment pursuant to structured settlements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brown, Knecht, Anderson, Andonov, Arberry, Beers, Buckley, Carpenter, Chowning, Christensen, Geddes, Giunchigliani, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Mabey, Marvel, McCleary, Mortenson, Oceguera, Perkins, Sherer, and Weber. By request. 141, 562, 567, 588, 612, 616*, 1624, 1783, 2142.

167 .... Establishes pilot program for use of indefinite quantity contracts by Clark County School District for certain public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Brown; Senators O'Connell, Amodei, Cegavske, and Hardy. 141, 142.

168 .... Revises provisions governing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani, Anderson, Parks, Goldwater, Gibbons, Arberry Jr., Atkinson, Buckley, Claborn, Collins, Conklin, Horne, Leslie, Manendo, and Williams; Senator Carlton. 142, 893, 894, 909, 1256*, 1773, 1805, 1807, 2142.

169 .... Revises provisions governing voluntary deductions for employee organizations and labor organizations from payroll of state officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 142.

170 .... Provides that certain applicants for drivers' licenses, instruction permits and identification cards may authorize Department of Motor Vehicles to forward to Selective Service System personal information necessary for registration with Selective Service System. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Manendo, Claborn, Ohrenschall, McClain, Gibbons, Arberry, Atkinson, Collins, Goldwater, Koivisto, Parks, and Williams. 143, 261, 446, 474.

171 .... Revises provisions relating to Program for Education of Motorcycle Riders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gustavson. By request. 143.

172 .... Revises provisions relating to premiums for motor vehicle insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Parks, Buckley, Goldwater, Conklin, Chowning, Anderson, Arberry, Atkinson, Gibbons, Giunchigliani, Goicoechea, Horne, Koivisto, Leslie, Manendo, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams; Senators Titus, Neal, Care, and Wiener. 143, 261.

173 .... Increases salaries of certain forensic specialists employed by State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Arberry. 144.

174 .... Creates Regional Business Development Advisory Council for Clark County. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Arberry and Williams. 144, 365, 1084, 1085, 1256*.

175 .... Provides for appointment of temporary replacement to board of trustees of school district for member who enters active military service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 144, 420, 431, 441*, 442, 1294, 1305.

176 .... Makes various changes to provisions governing prevailing wages. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn, McCleary, Anderson, Gibbons, Chowning, Arberry, Atkinson, Collins, Conklin, Goicoechea, Horne, Koivisto, Leslie, Manendo, McClain, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, and Williams. 155.

177 .... Makes various changes concerning registration of motor vehicles and special plates, placards and stickers issued to certain disabled persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 155, 347, 357, 361, 370, 371*, 1282, 1299.

178 .... Makes various changes concerning registration and titling of motor vehicles and records of Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 155, 430, 440, 457*, 1308, 1338.

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179.... Revises provisions governing education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Giunchigliani, Williams, Parks, Gibbons, Ohrenschall, Anderson, Arberry, Atkinson, Buckley, Chowning, Collins, Conklin, Goldwater, Horne, Koivisto, Leslie, Manendo, McClain, McCleary, Oceguera, Perkins, and Pierce; Senator Carlton. 155, 261, 625, 627, 630, 1457, 1481, 1514, 1515*.

180.... Makes appropriation to Interim Finance Committee for allocation to White Pine County for purchase and restoration of 120 miles of Nevada Northern Railroad track that connects Ely to Union Pacific track near Wells. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Goicoechea, Christensen, Chowning, Anderson, Andonov, Beers, Carpenter, Claborn, Collins, Conklin, Grady, Griffin, Hardy, Koivisto, Mabey, McClain, Parks, Perkins, Sherer, and Weber; Senator Rhoads. 156.

181.... Makes appropriation to White Pine Historical Railroad Foundation for renovation of historic buildings and Locomotive 40. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Goicoechea, Collins, Chowning, Anderson, Andonov, Beers, Carpenter, Christensen, Claborn, Conklin, Grady, Griffin, Hardy, Koivisto, Mabey, McClain, Parks, Perkins, Sherer, and Weber; Senator Rhoads. 156.

182.... Authorizes employer to enter into fair share agreement with labor organization. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, Collins, Chowning, Claborn, Parks, Anderson, Arberry, Atkinson, Buckley, Christensen, Conklin, Giunchigliani, Goldwater, Leslie, Manendo, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams. 156, 434, 453, 477*, 478.

183.... Makes appropriation to Clark County for provision of mental health services in Laughlin. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Koivisto, Chowning, Gibbons, Parks, Hardy, Anderson, Atkinson, Claborn, Collins, Manendo, McClain, and Pierce. By request. 157, 260, 261.

184.... Creates state board to review certain increases in rent relating to manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, Buckley, Manendo, Chowning, Giunchigliani, Anderson, Leslie, and Pierce. 160, 365, 744, 746, 769, 1213*.

185.... Makes various changes concerning applicability of provisions governing workers' compensation for injuries and occupational diseases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson, Ohrenschall, Collins, Conklin, Horne, Koivisto, Mabey, McClain, and Sherer. 160, 893, 894, 915, 1256*, 1370, 1817, 1819, 2142.

186.... Makes appropriation to Board of Regents of University of Nevada for establishment of Nevada Educational Support Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 160, 261, 410.

187.... Makes various changes concerning tort actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle, Knecht, Gustavson, Griffin, Sherer, and Weber; Senators Rawson, O'Connell, Cegavske, and Shaffer. 160.

188.... Makes various changes pertaining to litigation involving prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 161.

189.... Makes various changes to provisions concerning false imprisonment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Parks, Chowning, Koivisto, Manendo, Anderson, Atkinson, Buckley, Claborn, Conklin, Geddes, Goldwater, Grady, Griffin, Hardy, Knecht, Leslie, McClain, McCleary, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Williams; Senator Wiener. By request. 161, 261, 353, 361, 371*, 1294, 1305.

190.... Makes various changes related to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks, Giunchigliani, Gibbons, Anderson, Chowning, Atkinson, Buckley, Claborn, Conklin, Geddes, Goldwater, Grady, Griffin, Knecht, Koivisto, Leslie, Manendo, McClain, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Williams; Senator Wiener. 161, 440, 453, 478*, 1509, 2061, 2062, 2179.

191.... Provides for enhanced penalty for burglary of research facility. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Collins, Gibbons, Claborn, Andonov, Angle, Arberry, Beers, Brown, Buckley, Christensen, Geddes, Giunchigliani, Goicoechea, Grady, Griffin, Hardy, Hettrick, Koivisto, Mabey, Manendo, McClain, McCleary, Mortenson, Oceguera, Pierce, Sherer, and Weber. 164.

192.... Revises provisions relating to special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 164, 723, 724, 727, 839*, 1325, 1454.

193.... Revises provisions governing commercial fertilizers and agricultural minerals. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 164, 418, 431, 442*, 1302, 1322.

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194 .... Prohibits insurer from using information included in consumer credit report of applicant or policyholder for certain purposes. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 164, 260, 287, 302, 303, 304, 305*.

195 .... Requires development of plan concerning joint enforcement of certain laws and regulations governing transportation and vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Collins, Chowning, Claborn, Andonov, Atkinson, Brown, Buckley, Giunchigliani, Hardy, Koivisto, Manendo, McClain, Oceguera, and Pierce. 167, 1820, 1836, 2063*, 2064, 2168, 2231.

196 .... Authorizes certain local governments in larger counties to require dedication of certain land or impose tax on nonresidential construction projects for regional parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Collins, Chowning, Claborn, Andonov, Atkinson, Buckley, Geddes, Giunchigliani, Goicoechea, Grady, Hardy, Koivisto, Manendo, McClain, Oceguera, Pierce, and Sherer. 167, 826, 827, 829, 1213, 1256*, 1257.

197 .... Makes various changes concerning certain applications submitted to Department of Transportation by governmental entities for easements or licenses or permits for encroachments on certain highway rights-of-way. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 167, 261.

198 .... Makes changes to Public Employees' Retirement System concerning certain retroactive payments and agency review of certain decisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 167, 1622.

199 .... Exempts proceeds from annual tax that counties may impose to support county museums, art centers and historical societies from limitation on allowed revenue from taxes ad valorem for counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. 168, 410, 424, 432, 442*, 1308, 1338.

200 .... Provides for sale of tax lien against parcels of real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick, Perkins, Parks, Knecht, Angle, Arberry, Beers, Brown, Buckley, Chowning, Christensen, Conklin, Geddes, Goicoechea, Grady, Griffin, Koivisto, Marvel, McCleary, Oceguera, Sherer, and Weber; Senator Cegavske. 168, 1084, 1088, 1255, 1257.

201 .... Revises provisions relating to awards of money made by Committee for Protection of Children from Children's Trust Account to certain agencies, organizations or institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie and Williams. 168, 206, 223, 236*, 1282, 1299.

202 .... Prohibits smoking in certain stores that are principally devoted to sale of food for human consumption off premises unless area is segregated by walls on all sides. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Angle, Beers, Brown, Buckley, Geddes, Goicoechea, Gustavson, Hardy, Mabey, and Weber; Senator Neal. 169.

203 .... Creates Committee to Evaluate Higher Education Programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Perkins, Collins, Horne, Anderson, Parks, Andonov, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Claborn, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hettrick, Leslie, Mabey, Manendo, Marvel, McCleary, Mortenson, Oceguera, Pierce, Sherer, Weber, and Williams. 169, 261, 287, 292, 344*, 2444.

204 .... Provides revenue in support of state budget. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 169, 499, 542.

205 .... Increases tax on rental of transient lodging within City of Sparks to pay certain costs related to promotion of tourism. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 170, 508, 539, 745, 750, 1213*, 1546, 1611, 1615, 1772.

206 .... Revises provisions relating to payment for permanent total disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Pierce, Manendo, Giunchigliani, Chowning, Leslie, Arberry, Atkinson, Buckley, Claborn, Conklin, Goldwater, Hardy, Horne, Koivisto, Mabey, McClain, McCleary, Oceguera, Ohrenschall, Parks, Sherer, and Weber. 186, 749, 750, 788, 1213*, 1308, 1338.

207 .... Provides for issuance of special license plates for support of naturalized citizenship. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Pierce, Chowning, Anderson, Ohrenschall, Andonov, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Collins, Conklin, Goicoechea, Griffin, Horne, Koivisto, Manendo, Oceguera, Parks, Perkins, Sherer, and Weber; Senators Carlton, Titus, Wiener, Amodei, Care, Hardy, Mathews, McGinness, Nolan, Schneider, Shaffer, and Townsend. 187.

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208 .... Authorizes imposition of sales and use tax in certain counties for operation and maintenance of county swimming pool. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goicoechea, Knecht, Andonov, Atkinson, Beers, Carpenter, Claborn, Collins, Conklin, Geddes, Grady, Hardy, Hettrick, Koivisto, Mabey, Manendo, McClain, McCleary, and Sherer. 187, 854, 856, 865, 1257*, 1325, 1454.

209 .... Requires testing of prisoners to detect presence of controlled substance in their systems before consideration for and release on parole. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Griffin, Claborn, Gibbons, Knecht, Christensen, Andonov, Angle, Atkinson, Beers, Brown, Carpenter, Collins, Conklin, Geddes, Goicoechea, Goldwater, Grady, Gustavson, Hardy, Hettrick, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Oceguera, Parks, Perkins, Pierce, Sherer, and Weber. 187, 261.

210 .... Removes prospective expiration of certain provisions regarding domestic wells and temporary permits for appropriation of ground water. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Koivisto, McCleary, Carpenter, Claborn, Collins, Goicoechea, Manendo, McClain, Parks, Pierce, Sherer, and Williams. 187.

211 .... Authorizes county manager to promote, participate in operation of, and create or cause to be created nonprofit corporation under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani. 188.

212 .... Revises provisions relating to Account for Education and Recovery Relating to Manufactured Housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 188, 744, 746, 770, 1213*, 1404, 1800, 2142.

213 .... Makes various changes concerning domestic wells and temporary permits for appropriation of ground water. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Mortenson, Christensen, Koivisto, Gibbons, Anderson, Angle, Arberry, Beers, Buckley, Chowning, Claborn, Collins, Conklin, Giunchigliani, Goicoechea, Griffin, Gustavson, Hardy, Hettrick, Knecht, Manendo, McClain, McCleary, Oceguera, Parks, Pierce, Sherer, and Weber. 195, 1084, 1091, 1255, 1266*, 1371, 1454.

214 .... Revises provisions relating to publications by state agencies and certain local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mortenson, Chowning, Brown, Christensen, Claborn, Hettrick, Leslie, McCleary, Oceguera, and Pierce. 195, 261, 893, 894, 970, 1255, 1266*.

215 .... Revises provisions governing conservation districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick, Knecht, Grady, Hardy, Marvel, and Sherer; Senators McGinness and Townsend. 195, 854, 856, 865, 1257*, 1624, 1813, 2142.

216 .... Revises manner in which certain claims against state are audited. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 196, 277, 292, 344*, 1370, 1454.

217 .... Makes various changes regarding State Personnel System. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 196, 435, 454, 457, 538, 577*, 1546, 1778, 2142.

218 .... Revises provisions governing temporary alternative placement of disruptive pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 196, 287, 292, 344*, 1546, 1609, 1830, 2088, 2187, 2305, 2315, 2378.

219 .... Requires Department of Administration to conduct study concerning feasibility and desirability of relocating certain state agencies to rural communities under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Sherer, Angle, Carpenter, Christensen, Collins, Conklin, Geddes, Goicoechea, Griffin, Gustavson, Hettrick, Knecht, Koivisto, and Oceguera; Senator McGinness. By request. 196, 584, 626, 627, 631.

220 .... Makes various changes to provisions governing contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 197, 893, 894, 915, 1257*, 1773, 2012, 2019, 2179.

221 .... Revises requirements concerning consignment of vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Chowning, Buckley, Collins, Gibbons, McCleary, Anderson, Andonov, Angle, Arberry, Christensen, Claborn, Conklin, Giunchigliani, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Horne, Knecht, Koivisto, Manendo, McClain, Mortenson, Oceguera, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 197, 434, 454, 478*, 1404, 1471.

222 .... Revises provisions relating to Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Giunchigliani, Manendo, Anderson, Parks, Conklin, Arberry, Atkinson, Buckley, Chowning, Claborn, Collins, Gibbons, Goicoechea, Griffin, Horne, Leslie, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams. 197, 248, 261.

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223.... Requires certain vehicle dealers to provide copies of certain documents translated into Spanish for viewing by purchaser or prospective purchaser of motor vehicle under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Atkinson, Chowning, Pierce, Parks, Christensen, Anderson, Andonov, Angle, Arberry, Buckley, Carpenter, Claborn, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Oceguera, Perkins, Sherer, and Williams; Senator Carlton. 202, 894, 895, 1257, 1258*, 1773, 2028, 2030, 2179.

224.... Revises provisions relating to Nevada Arts Council. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 202, 277, 295, 345, 349, 357, 361, 371*, 1370, 1454.

225.... Provides that Public Employees' Deferred Compensation Program approved by committee to administer the Program may consist of any plan to reduce taxable income. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 202, 538, 554, 613*, 1773, 1817, 2142.

226.... Requires certain passengers of taxicabs to wear safety belts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Oceguera, Gibbons, Chowning, Claborn, Andonov, Arberry, Atkinson, Beers, Brown, Carpenter, Christensen, Conklin, Geddes, Goicoechea, Griffin, Hardy, Hettrick, Horne, Koivisto, Mabey, Manendo, McClain, Mortenson, Parks, Pierce, and Sherer. 207, 508, 547, 577, 578*, 1325, 1454.

227.... Requires increased salaries for certain school psychologists. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Leslie. 208, 261, 420.

228.... Requires certain major hospitals to reduce or discount total billed charge for hospital services for treatment of trauma to certain inpatients. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 208.

229.... Increases amount of tax that county of origin may impose on certain transfers of water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goicoechea, Sherer, Carpenter, Christensen, Collins, Conklin, Geddes, Grady, Griffin, Hardy, McCleary, and Weber. 208.

230.... Revises provisions regarding mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Buckley. 209, 581, 589, 664*, 1509, 1801, 1802, 2142.

231.... Requires State Board of Podiatry to issue limited license to practice podiatry under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 209, 434, 455, 478*, 1404, 1471.

232.... Revises provisions relating to trade practices. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Conklin, Atkinson, Horne, Perkins, Buckley, Anderson, Andonov, Angle, Arberry, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Collins, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Parks, Pierce, Sherer, Weber, and Williams; Senators Titus, Amodei, Rawson, Neal, Townsend, Carlton, Hardy, Care, Cegavske, Mathews, McGinness, Nolan, O'Connell, Raggio, Schneider, Shaffer, Tiffany, Washington, and Wiener. 209, 306, 313, 335, 345, 346*, 1404, 1498, 1504, 2042, 2058, 2390, 2407, 2444.

233.... Makes various changes concerning primary city elections and general city elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 213, 497, 528, 531, 562, 580*, 581, 1404, 1471.

234.... Revises provisions governing school bus transportation. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Manendo, Williams, Koivisto, Chowning, Parks, Anderson, Angle, Arberry, Atkinson, Buckley, Claborn, Collins, Conklin, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Hardy, Horne, Knecht, Leslie, McClain, McCleary, Mortenson, Oceguera, Perkins, Pierce, and Weber. 213, 507, 548, 562, 740, 839*.

235.... Provides Voters' Bill of Rights. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Elections, Procedures, and Ethics. 213, 537, 556, 613*, 1404, 1471.

236.... Directs Office for Consumer Health Assistance to assist consumers in gaining information regarding certain prescription drug programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Buckley, Perkins, Goldwater, Koivisto, Gibbons, Angle, Arberry, Atkinson, Beers, Carpenter, Chowning, Claborn, Collins, Geddes, Giunchigliani, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Knecht, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Pierce, and Weber. 213, 251, 275, 288, 305, 306*, 1773, 2142.

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237.... Revises provisions relating to use of alternative fuels by certain fleets of motor vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Geddes, Conklin, Knecht, Gibbons, Leslie, Anderson, Andonov, Arberry, Atkinson, Brown, Buckley, Carpenter, Christensen, Collins, Giunchigliani, Goicoechea, Grady, Griffin, Hardy, Hettrick, Horne, Koivisto, Mabey, Manendo, Marvel, Mortenson, Oceguera, Parks, Perkins, Pierce, Sherer, and Weber; Senators Titus, Wiener, Coffin, Rhoads and Shaffer. 218, 483, 854, 856, 867, 1258*, 1325, 1454, 1622.

238.... Encourages Office of the Court Administrator to allocate certain money for establishment of mental health court within Eighth Judicial District of State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Horne, Leslie, Buckley, Chowning, Perkins, Anderson, Andonov, Arberry, Atkinson, Brown, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goldwater, Griffin, Hardy, Hettrick, Koivisto, Mabey, Manendo, McClain, McCleary, Oceguera, Parks, Pierce, Sherer, and Williams. 218, 2181, 2182, 2195*.

239.... Authorizes production and issuance of vintage license plates for certain motor vehicles and expands purposes for which money in Revolving Account for Issuance of Special License Plates may be used. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 218, 894, 895, 1258*, 1773, 2030, 2031, 2179.

240.... Extends prospective expiration of provisions that expand purposes for which board of trustees of county school district may issue general obligations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 219, 584, 689, 690, 692, 2233, 2238, 2239*, 2345, 2447.

241.... Makes various changes relating to general improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gustavson. By request. 219.

242.... Increases amount of certain administrative assessments and requires imposition of administrative assessment when imprisonment or community service is ordered in lieu of fine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 219, 261.

243.... Provides revenue in support of state budget. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Taxation. 219, 261.

244.... Eliminates prospective expiration of provisions for protection of rural preservation neighborhoods and revises provisions relating to protection of rural preservation neighborhoods. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Collins, Gibbons, Claborn, Horne, Koivisto, Manendo, and Mortenson. By request. 230, 1084, 1094, 1226, 1269, 1270*, 1271.

245.... Makes various changes regarding conversion of manufactured home park into individual manufactured home lots. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Collins, Manendo, Claborn, Gibbons, Goicoechea, Horne, and Mortenson. 230, 689, 690, 694, 839*, 1404, 1471.

246.... Establishes Center for Analysis of Crime Statistics at University of Nevada, Las Vegas, and provides that Center may accept and expend gifts, grants and donations of money. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Oceguera, Anderson, Conklin, Horne, Knecht, Angle, Arberry, Beers, Brown, Buckley, Chowning, Christensen, Claborn, Geddes, Gibbons, Giunchigliani, Goldwater, Griffin, Hettrick, Leslie, Mortenson, Perkins, and Sherer. 230, 435, 456, 855, 856, 1204, 1258*, 1371, 1454.

247.... Provides for creation and administration of various accounts for veterans' homes and residents thereof. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 231, 410, 424, 432, 442*, 1294, 1305.

248.... Amends Charter of City of North Las Vegas to revise provisions concerning Municipal Judges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 231, 364, 407, 413*, 1308, 1338.

249.... Makes various changes concerning Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 231, 540, 690, 694, 1084, 1122, 1404, 1467*, 2222, 2226, 2227, 2316, 2320, 2411, 2444.

250.... Makes various changes regarding certain acts relating to terrorism, weapons of mass destruction, biological agents, chemical agents, radioactive agents and other lethal agents, toxins and delivery systems and enacts provisions concerning responses to emergencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Perkins, Oceguera, Conklin, Horne, Parks, Anderson, Andonov, Arberry, Atkinson, Chowning, Christensen, Collins, Gibbons, Goicoechea, Goldwater, Griffin, Hardy, Hettrick, Knecht, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Pierce, and Weber; Senator Raggio. 232, 562, 572, 613, 664, 665, 666*, 1773, 1821, 1828, 2305, 2327, 2329, 2444.

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251.... Makes various changes relating to treatment of pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle, Knecht, Gustavson, Andonov, Brown, Carpenter, Christensen, Collins, Gibbons, Goicoechea, Griffin, Hardy, Hettrick, Mabey, Marvel, Mortenson, Sherer, and Weber; Senators O'Connell, Cegavske, and Amodei. By request. 232.

252.... Makes appropriation to State General Fund from Fund to Stabilize the Operation of State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 234, 260, 288, 306*, 361, 362, 402.

253.... Makes supplemental appropriation to State Distributive School Account in State General Fund for unanticipated shortfall in Fiscal Year 2002-2003. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 234, 538, 556, 614*, 1302, 1322.

254.... Makes supplemental appropriations to Department of Motor Vehicles for certain unanticipated shortfalls in money for Fiscal Year 2002-2003. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 234, 1322, 1330, 1365, 1396, 1432*, 1433, 2138, 2179.

255.... Extends reversion date of appropriation made during previous Legislative Session to Department of Human Resources for Medicaid Management Information System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 234, 538, 556, 614*, 1773, 2142.

256.... Makes supplemental appropriation to Consumer Affairs Division of Department of Business and Industry for unanticipated shortfall in money for Fiscal Year 2001-2002. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 234, 723, 724, 735, 839*, 840, 1371, 1454.

257.... Makes appropriations to restore balance in Contingency Fund and to assist school districts in paying for health insurance for employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 235, 1370, 1412, 1467*, 2222, 2301, 2302, 2352.

258.... Revises provisions relating to cosmetology. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 235, 616, 666, 724*.

259.... Creates Advisory Committee on Homelessness. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Parks, McClain, Giunchigliani, Leslie, Gibbons, Anderson, Arberry, Atkinson, Buckley, Chowning, Claborn, Conklin, Goldwater, Grady, Horne, Koivisto, Manendo, McCleary, Mortenson, Oceguera, Perkins, Pierce, and Williams; Senators Titus, Rawson, Wiener, and Coffin. By request. 235, 261, 446.

260.... Authorizes use of machine-readable media for preservation of certain public records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers, Gibbons, Christensen, Goldwater, Grady, Gustavson, Hardy, Horne, Manendo, and Sherer. 240.

261.... Requires certain policies of health insurance and health care plans to provide coverage for continued medical treatment by provider of health care under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mabey, Gibbons, Griffin, Brown, Buckley, Angle, Carpenter, Geddes, Goicoechea, Hardy, Hettrick, Knecht, Marvel, McCleary, Pierce, Sherer, and Weber. 241.

262.... Makes various changes to provisions governing manufactured housing and mobile homes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Manendo, Giunchigliani, Koivisto, McClain, Chowning, Anderson, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Horne, Knecht, Leslie, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, and Williams. 241, 689, 690, 695, 840*, 1343, 1365, 1454.

263.... Revises provisions governing notice requirements for change in health insurance program for public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 242, 244, 247*, 248, 252, 275.

264.... Makes various changes governing education. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Giunchigliani, Williams, Anderson, Atkinson, Arberry, Buckley, Chowning, Claborn, Collins, Conklin, Goldwater, Horne, Koivisto, Leslie, Manendo, McClain, Mortenson, Oceguera, Parks, Perkins, and Pierce. 245, 261, 893, 894, 898, 1589, 1687, 1710*.

265.... Provides for reduction of certain fees for registration of certain motor vehicles under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Carpenter. 246, 365.

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266 .... Requires Superintendent of Public Instruction to prepare compilation of certain information for inclusion in biennial budgetary request for State Distributive School Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriations not included in Executive Budget. Committee on Ways and Means. 246, 261, 1829, 1837, 2063*, 2064.

267 .... Revises provisions relating to certain fees and surcharges charged and collected in regard to vehicles leased for short term. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Parks. 246, 365, 723, 724, 735, 787, 856, 1342, 1396, 1433*, 1773, 2142.

268 .... Authorizes increased salaries for certain speech pathologists employed by school districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Gibbons, Buckley, Geddes, Giunchigliani, Goldwater, Grady, Hardy, Knecht, Manendo, Marvel, Oceguera, and Weber; Senators Mathews and Cegavske. 247, 420, 435, 2379, 2381, 2412*.

269 .... Requires certain health care plans and insurance policies to provide, under certain circumstances, coverage for medical care if confirmation of coverage and prior authorization is obtained. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mabey, Gibbons, Griffin, Brown, Knecht, Angle, Buckley, Carpenter, Geddes, Goicoechea, Hardy, Hettrick, Marvel, McCleary, Pierce, Sherer, and Weber. 247.

270 .... Revises provisions relating to community redevelopment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goldwater, Parks, Andonov, Arberry, Atkinson, Brown, Buckley, Conklin, Griffin, Horne, Leslie, and Oceguera; Senators O'Connell and Carlton. 249, 411, 425, 432, 442*, 1370, 1454.

271 .... Makes appropriation to Governor for support of Nevada Commission for National and Community Service. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 252.

272 .... Provides for regulation of outfitters and guides. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Carpenter and Goicoechea. By request. 252.

273 .... Establishes procedures for permanently placing an abused or neglected child with a guardian. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 253, 509, 551, 562, 573, 614*, 1343, 1454.

274 .... Increases length of notice before person who is 60 years of age or older or who has disability may be evicted from certain periodic tenancies under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goldwater. 253, 626, 627, 632, 725, 840*.

275 .... Makes various changes relating to dispensing opticians and optometrists. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 253, 893, 894, 972, 1258*, 1325, 1454.

276 .... Makes appropriation for design of fencing for that portion of State Route 159 from Blue Diamond turnoff to northeast corner of Red Rock Canyon Park. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Collins, Conklin, Giunchigliani, Goicoechea, Grady, Hardy, McClain, Mortenson, Parks, and Weber. 253.

277 .... Prohibits self-insured employer, association of self-insured public or private employers or private carrier from entering into contract with organization for managed care to provide medical and health care services to injured employees under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Collins, Gibbons, Anderson, Conklin, Giunchigliani, Grady, Hardy, Koivisto, McClain, Mortenson, Parks, Pierce, and Williams. By request. 253.

278 .... Provides that owner of property within city who is ordered to abate dangerous or noxious condition on private property may appeal decision ordering such abatement to court of competent jurisdiction. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Mabey, Geddes, Gibbons, Knecht, Anderson, Arberry, Beers, Brown, Christensen, Conklin, Grady, Gustavson, Hardy, Horne, Koivisto, Marvel, McClain, Mortenson, Parks, Sherer, and Weber. By request. 254.

279 .... Abolishes requirement of binding arbitration for teachers and educational support personnel and provides authority to strike under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani and Anderson. 254.

280 .... Revises certain provisions governing policies of insurance for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani. 254, 749, 750, 790, 1214*.

281 .... Imposes and increases certain taxes and fees and makes various changes to provide additional state revenue and to stabilize revenue base of state. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation. 254, 435, 542.

282 .... Requires that bidder participate in certain programs of training and apprenticeship to be qualified to bid on public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani and Claborn. 255.

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283 .... Provides subsidies from Fund for a Healthy Nevada for coverage of limited-scope dental and vision benefits to certain senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. McClain, Koivisto, Parks, Chowning, Claborn, Anderson, Andonov, Angle, Arberry, Atkinson, Brown, Buckley, Carpenter, Christensen, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Horne, Knecht, Leslie, Manendo, Marvel, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, Weber, and Williams. 256, 352, 365.

284 .... Prohibits unfair lending practices for home loans and revises provisions governing sale of real property by trustee. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Buckley, Parks, Gibbons, Leslie, Horne, Anderson, Beers, Brown, Carpenter, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Griffin, Hardy, Hettrick, Koivisto, Mabey, Manendo, McClain, Oceguera, Ohrenschall, Perkins, and Sherer. 256, 365, 749, 750, 790, 1215*, 2345, 2354, 2371, 2373, 2447.

285 .... Revises provisions regarding filing of declaration of candidacy or acceptance of candidacy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, McClain, Chowning, Conklin, Ohrenschall, Anderson, Buckley, Carpenter, Collins, Manendo, McCleary, Oceguera, Parks, Pierce, Sherer, and Williams; Senator Carlton. 257, 689, 690, 696, 840*, 1404, 1471.

286 .... Revises provisions governing health insurance for retired officers and employees of local governments. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Koivisto, McClain, Knecht, Chowning, Ohrenschall, Anderson, Atkinson, Buckley, Carpenter, Claborn, Collins, Conklin, Giunchigliani, Goicoechea, Manendo, McCleary, Oceguera, Parks, Pierce, and Williams. 257, 364, 483, 1404, 1458, 1486*, 2168, 2175, 2176, 2231.

287 .... Revises provisions relating to transfer, establishment and maintenance of certain parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mortenson, Collins, Goldwater, Hettrick, Claborn, Anderson, Andonov, Angle, Buckley, Chowning, Manendo, McCleary, and Oceguera. 262, 508, 548, 578*, 1773, 2142.

288 .... Provides for judicial approval of certain contracts involving minors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Atkinson, Oceguera, Ohrenschall, Koivisto, Knecht, Anderson, Andonov, Arberry, Buckley, Carpenter, Chowning, Claborn, Collins, Conklin, Giunchigliani, Goicoechea, Griffin, Hardy, Horne, Leslie, Manendo, McClain, McCleary, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 262, 581, 589, 670*, 1546, 1802, 2142.

289 .... Provides for names of candidates to be listed on ballot in accordance with randomized procedure of alphabetization. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Weber, Knecht, Mabey, Andonov, Beers, Conklin, Giunchigliani, Goicoechea, Grady, Griffin, Koivisto, Manendo, Marvel, McClain, Mortenson, Pierce, and Sherer. By request. 262.

290 .... Increases amount of financial assistance that Commission for Cultural Affairs may grant from proceeds of general obligation bonds for certain projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Grady, Hardy, Knecht, Andonov, Atkinson, Beers, Brown, Christensen, Collins, Geddes, Gibbons, Goicoechea, Griffin, Hettrick, Mabey, Manendo, Marvel, Pierce, Sherer, and Weber. 263, 352, 361, 365.

291 .... Revises provisions relating to city and county planning commissions in certain larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 263, 625, 627, 633, 725*, 1773, 2142.

292 .... Prohibits political subdivisions from challenging initiative petitions, referendums or recalls under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson, Conklin, Ohrenschall, Geddes, Gibbons, Arberry, Atkinson, Beers, Buckley, Chowning, Claborn, Collins, Giunchigliani, Griffin, Hardy, Horne, Koivisto, Leslie, Manendo, Marvel, McClain, Oceguera, Parks, Perkins, and Pierce. 263, 507, 548, 578*.

293 .... Revises provisions relating to ballot questions and appointment of committees to prepare arguments advocating and opposing certain ballot questions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mortenson, Giunchigliani, Koivisto, Gustavson, Hettrick, Beers, Conklin, Leslie, McCleary, and Sherer. 263, 583, 584, 599, 663, 675, 725*, 1773, 1785, 1786, 2142.

294 .... Makes various changes related to issuance of checks by insurer for payment of industrial insurance benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Conklin, Oceguera, Giunchigliani, Horne, Ohrenschall, Anderson, Arberry, Atkinson, Buckley, Carpenter, Chowning, Claborn, Collins, Geddes, Goldwater, Gustavson, Koivisto, Leslie, Manendo, McClain, McCleary, Mortenson, Parks, Perkins, Pierce, Sherer, and Williams; Senator Carlton and Wiener. 264, 497, 528, 550, 578*, 1624, 1772.

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295.... Revises provisions governing criteria for determining qualification of bidders on public works of local governments. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. McClain, Claborn, Ohrenschall, Atkinson, Gibbons, Anderson, Andonov, Arberry, Beers, Carpenter, Christensen, Collins, Conklin, Giunchigliani, Grady, Griffin, Hettrick, Knecht, Koivisto, Manendo, Parks, Pierce, Sherer, and Williams. By request. 264, 1084, 1096, 1258, 1259*, 1773, 2187, 2231.

296.... Provides multiplier for electricity generated by certain renewable energy systems for purpose of calculating compliance with portfolio standard for renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Weber, Geddes, Anderson, Sherer, Leslie, Buckley, Horne, Mabey, and Pierce. 264, 893, 894, 916, 1259*, 1371, 1504, 1543.

297.... Revises provisions governing payment of hospitals for treating disproportionate share of Medicaid patients, indigent patients or other low-income patients. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Sherer, Knecht, Gibbons, Andonov, Angle, Brown, Christensen, Conklin, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Koivisto, Mabey, Marvel, McClain, Mortenson, and Weber; Senator McGinness. 264, 483, 749, 750, 799, 805, 1589, 1697, 1710*.

298.... Prohibits public officers and employees from requesting or otherwise causing state and local governments to, under certain circumstances, make expenditures to support or oppose ballot questions or candidates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks; Senator Titus. 265, 749, 750, 805, 1215*.

299.... Establishes duties of driver when approaching stopped authorized emergency vehicle under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Beers, Gustavson, Christensen, Conklin, Giunchigliani, Grady, Horne, Koivisto, McClain, Pierce, Sherer, and Weber; Senators Cegavske, Amodei, Care, and Schneider. 265, 508, 548, 578*, 1308, 1338.

300.... Provides for creation of screening panels for medical and dental malpractice claims. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mabey, Griffin, Hardy, Andonov, Beers, Brown, Christensen, Geddes, Gibbons, Goicoechea, Grady, Gustavson, Hettrick, Knecht, Marvel, Sherer, and Weber. 265, 365.

301.... Revises provisions concerning compensation from Board of Wildlife Commissioners for damage to certain property or land caused by certain animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter. 266, 584, 600, 670*, 1325, 1454.

302.... Repeals duplicative provision concerning penalty for sale of imitation controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 266, 359, 370, 407, 413*, 414, 1282, 1299.

303.... Revises provisions pertaining to local facilities for detention. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 266.

304.... Makes various changes to provisions governing veterans' cemeteries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo. By request. 266, 893, 894, 973, 1259*, 1624, 1772.

305.... Provides for withdrawal of State of Nevada from Tahoe Regional Planning Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle, Gustavson, Knecht, Carpenter, and Mortenson. 267.

306.... Authorizes military funeral under certain circumstances for deceased veterans whose bodies are not claimed by relatives. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Andonov, Sherer, Hardy, Chowning, Geddes, Anderson, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Christensen, Claborn, Collins, Conklin, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Weber, and Williams; Senators Raggio, Amodei, Townsend, Care, Wiener, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, and Washington. 267, 364, 407, 414*, 1282, 1299.

307.... Creates Silver State Commission on Prescription Drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Leslie, Giunchigliani, Conklin, McClain, Koivisto, Anderson, Atkinson, Chowning, Collins, Horne, Mortenson, and Parks; Senator Wiener. 268, 365.

308.... Provides for endorsement as educational psychologist. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Leslie. 268.

309.... Requires judicial districts in larger counties to establish educational seminar for separating parents who are parties in domestic relations matters involving children. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Manendo, Koivisto, McClain, Chowning, Ohrenschall, Anderson, Andonov, Atkinson, Buckley, Christensen, Collins, Conklin, Goicoechea, Goldwater, Grady, Griffin, Hardy, Knecht, Oceguera, Pierce, and Williams. 268.

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310 .... Increases number of days of paid leave that must be given to certain public officers and employees serving under military orders. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Ohrenschall, Claborn, Knecht, Chowning, Manendo, Andonov, Atkinson, Beers, Brown, Buckley, Carpenter, Christensen, Collins, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Hardy, Horne, Koivisto, Leslie, Mabey, McCleary, Mortenson, Oceguera, Parks, Pierce, and Sherer. 268, 269, 352, 483.

311 .... Revises provisions governing homeschooled children. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Knecht, Hettrick, Christensen, Angle, Griffin, Andonov, Atkinson, Beers, Brown, Carpenter, Claborn, Conklin, Geddes, Gibbons, Goicoechea, Grady, Gustavson, Hardy, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Parks, Sherer, and Weber; Senators Cegavske, O'Connell, Hardy, Tiffany, Rawson, Amodei, Nolan, Schneider, Shaffer, and Washington. 269, 744, 746, 770, 856, 857, 894, 1215, 1216.

312 .... Requires issuance of certain limited licenses to practice medicine, dentistry or osteopathic medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mabey. By request. 270.

313 .... Directs Legislative Committee on Health Care to appoint subcommittee to conduct interim study of staffing of system for delivery of health care in Nevada. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Giunchigliani and Koivisto. 270, 483, 749, 750, 807, 808, 1216*, 2192, 2199, 2201, 2231.

314 .... Revises provisions relating to generation, reduction and conservation of energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Geddes, Hardy, Leslie, Andonov, Angle, Atkinson, Christensen, Claborn, Collins, Conklin, Giunchigliani, Goicoechea, Goldwater, Horne, Mabey, Manendo, Oceguera, and Pierce; Senator Townsend. 270, 435.

315 .... Requires State Health Officer or person designated by Administrator of Health Division of Department of Human Resources to analyze information reported by health facilities concerning cancer to determine trends in incidence of cancer. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Koivisto, Chowning, Ohrenschall, McClain, Parks, Anderson, Claborn, Collins, Giunchigliani, Goldwater, Leslie, Manendo, Oceguera, Perkins, Pierce, and Williams. 271, 446, 474, 492*, 1624, 1772.

316 .... Requires owner of real property to provide security for certain works of improvement to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn, Ohrenschall, Collins, Manendo, Koivisto, Anderson, Arberry, Atkinson, Carpenter, Chowning, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Horne, Leslie, Mabey, Marvel, McClain, McCleary, Mortenson, Oceguera, Parks, Perkins, Pierce, and Sherer. 278, 893, 894, 917, 1259*.

317 .... Revises provision pertaining to amount recoverable by contractor upon notice of lien. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brown. By request. 279.

318 .... Directs installation of historical marker at gravesite of former Nevada Governor, Emmet D. Boyle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson, Parks, Leslie, Chowning, Christensen, Claborn, Collins, Conklin, Goicoechea, Goldwater, Grady, Gustavson, Horne, Knecht, Koivisto, Mabey, McClain, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Weber. 279, 410, 425, 432, 442, 443*, 1370, 1454.

319 .... Makes various changes concerning common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson, Parks, Chowning, Claborn, Collins, Conklin, Goicoechea, Grady, Horne, Koivisto, Leslie, Mabey, McClain, Mortenson, Oceguera, Perkins, Pierce, and Sherer. 279, 498, 528, 550, 578, 579*.

320 .... Makes various changes regarding malpractice. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 280, 499, 854, 856, 868, 1259*, 2041, 2043, 2057, 2179.

321 .... Limits types of surety that may be filed for permit to engage in exploration project or mining operation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie and Geddes. 281.

322 .... Creates Statewide Alert System for the Safe Return of Abducted Children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Perkins, Ohrenschall, Goldwater, Gibbons, Koivisto, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Parks, Pierce, Sherer, Weber, and Williams. 281, 459, 488, 505*, 1302, 1322.

323 .... Makes various changes concerning long-term care provided to persons with dementia. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. McClain, Parks, Chowning, Koivisto, Gibbons, Anderson, Arberry, Atkinson, Claborn, Collins, Conklin, Giunchigliani, Hardy, Horne, Manendo, Mortenson, Ohrenschall, and Pierce. 281, 499, 658, 659, 723, 748, 842*, 843, 1509, 1622.

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324 .... Authorizes Department of Motor Vehicles to establish pilot program pursuant to which period of registration for certain motor vehicles is expanded. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Griffin, Claborn, Knecht, Brown, Andonov, Angle, Arberry, Beers, Christensen, Conklin, Geddes, Goicoechea, Grady, Gustavson, Hardy, Hettrick, Horne, Leslie, Mabey, Marvel, McCleary, Mortenson, Parks, Sherer, and Weber. 282, 626, 627, 638, 691, 1214, 1220*, 1221, 1624, 1775, 1776, 2142.

325 .... Makes various changes relating to motor vehicles that have sustained certain damages. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Buckley, Conklin, Koivisto, Parks, Leslie, Anderson, Arberry, Atkinson, Claborn, Collins, Giunchigliani, Grady, Horne, Mabey, Manendo, McClain, Perkins, Pierce, Sherer, Weber, and Williams. 282, 1084, 1110, 1222, 1226, 1325, 1330, 1332, 1337*, 1773, 2031, 2179.

326 .... Requires separate regulation of residential facilities for groups which claim to provide assisted living services. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Buckley, Conklin, McClain, Koivisto, Parks, Anderson, Arberry, Atkinson, Claborn, Collins, Geddes, Gibbons, Giunchigliani, Grady, Horne, Leslie, Mabey, Manendo, Oceguera, Perkins, Pierce, Sherer, and Williams. 282, 483, 855, 856, 873, 1259, 1260*, 1829, 2008, 2179.

327 .... Makes appropriations for certain educational programs relating to language arts. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriations not included in Executive Budget. Chowning, Parks, Ohrenschall, McCleary, McClain, Arberry, Atkinson, Beers, Carpenter, Claborn, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Hardy, Horne, Leslie, Manendo, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Williams. 282.

328 .... Requires Secretary of State to submit advisory question to voters concerning regulation of sale and use of fireworks in all counties of State of Nevada. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Chowning, Ohrenschall, Knecht, Giunchigliani, McClain, Atkinson, Carpenter, Christensen, Claborn, Conklin, Geddes, Goicoechea, Grady, Gustavson, Hardy, Horne, Leslie, Manendo, Mortenson, Oceguera, Parks, Perkins, Pierce, and Williams. 283, 445, 475, 492*.

329 .... Prohibits seller of travel, tour broker or tour operator from paying fee, commission or other compensation to employee of hotel under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Chowning, Ohrenschall, McCleary, Arberry, Atkinson, Carpenter, Claborn, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Hardy, Horne, Leslie, Manendo, McClain, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Williams. 283, 435.

330 .... Makes various changes concerning peace officers and other public officers and employees. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Chowning, Ohrenschall, Arberry, Atkinson, Carpenter, Christensen, Claborn, Conklin, Geddes, Goicoechea, Goldwater, Grady, Leslie, Manendo, McClain, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Williams. By request. 283.

331 .... Provides for issuance and enforcement of temporary and extended orders against person who allegedly committed certain crimes against child. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. McCleary. By request. 284, 538, 556, 615, 627, 674*, 1370, 1496, 1543.

332 .... Makes various changes relating to persons with disabilities, service animals and service animals in training. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Arberry, Giunchigliani, Anderson, Manendo, Parks, Andonov, Atkinson, Beers, Buckley, Chowning, Claborn, Collins, Conklin, Gibbons, Goldwater, Horne, Koivisto, Mabey, McClain, Mortenson, Oceguera, Ohrenschall, Perkins, and Williams; Senator Carlton. 284, 435, 1084, 1114, 1370, 1433, 1467*.

333 .... Makes appropriations to University of Nevada School of Medicine to conduct study to determine whether there is sufficient demand for heart transplant facility in Southern Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Arberry, Chowning, Parks, Horne, Koivisto, Anderson, Atkinson, Claborn, Giunchigliani, Goldwater, Hardy, Mabey, Manendo, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, and Williams. 285.

334 .... Revises provisions regarding issuance of certain permits to appropriate or change point of diversion of water for wells to prevent adverse effects on existing domestic wells. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gibbons, Angle, Knecht, Andonov, Christensen, Claborn, Collins, Geddes, Grady, Griffin, Gustavson, Hardy, Koivisto, McCleary, Mortenson, and Weber; Senator Mathews. 285.

335 .... Increases penalty for evading peace officer when evading peace officer results in death or substantial bodily harm to another person. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Manendo, Horne, Parks, McCleary, Conklin, Andonov, Arberry, Atkinson, Carpenter, Chowning, Christensen, Claborn, Collins, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Gustavson, Hardy, Knecht, Koivisto, Leslie, McClain, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, Weber, and Williams. 285, 430, 440, 533, 550, 579*, 1308, 1338.

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336.... Revises provisions regarding notification of certain victims of crime if defendant is released before or during trial. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo, McClain, Koivisto, Parks, McCleary, Anderson, Andonov, Arberry, Atkinson, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Hardy, Horne, Knecht, Leslie, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, Weber, and Williams. 286, 459, 489, 505*, 1509, 1622.

337.... Makes various changes concerning rights of ex-felons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani, Arberry, Parks, McClain, Leslie, Anderson, Atkinson, Conklin, Horne, Manendo, Oceguera, and Williams. 286, 750, 809, 1216*, 1217.

338.... Requires Supreme Court of Nevada to adopt rules which require that before undertaking representation of client for purposes of commencing litigation, attorney must ensure that client is adequately informed about litigation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, Beers, Mabey, Sherer, Knecht, Andonov, Angle, Christensen, Collins, Geddes, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Marvel, and Weber; Senators McGinness and Washington. 296.

339.... Increases business tax. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Collins. 296.

340.... Makes appropriation to Douglas County for support of programs that are designed to prevent suicide. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblyman Hettrick; Senators Amodei and McGinness. 296.

341.... Effectuates specific and limited waiver of immunity of State under Eleventh Amendment to the United States Constitution with regard to certain federal laws regulating employment practices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Oceguera, Anderson, Parks, Conklin, Gibbons, Atkinson, Chowning, Giunchigliani, Goldwater, Horne, Leslie, McCleary, Mortenson, Pierce, and Williams. 297, 435, 459, 489, 501, 1273, 1283, 1286*.

342.... Imposes occupancy tax on rental of room or space in transient lodging establishment. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Mortenson, Parks, Hettrick, Giunchigliani, and Collins. 297.

343.... Makes various changes related to sellers of travel, tour brokers and tour operators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter. By request. 297, 893, 894, 917, 1260*, 1773, 1807, 1813, 2142.

344.... Provides for special election to fill vacancy in office of Representative in Congress. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. 297, 893, 894, 973, 1260*, 1404, 1471.

345.... Requires libraries in public high schools to be open to general public. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Perkins. 298, 540, 551, 581.

346.... Revises provisions governing operation or maintenance of vehicles on highways in this state using dyed special fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter. By request. 298, 723, 724, 736, 840*, 1325, 1454.

347.... Makes various changes concerning civil liability of occupational licensing boards and of persons who provide information to, assist or file complaints with such boards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Geddes. 298, 299.

348.... Revises provisions governing development of certain factors used in determination of taxable value of improvements to real property for assessment of property taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Carpenter. 299, 483, 855, 856, 876, 1260*, 1509, 1819, 1820, 2142.

349.... Makes various changes concerning older Nevadans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, Claborn, and Buckley. 299, 587, 588, 610, 662, 725*, 1370, 1454.

350.... Prohibits State Board of Health from requiring certain residential facilities for groups to purchase or maintain policy of liability insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall and Claborn. 299.

351.... Proposes to exempt medicines and medical devices that are ordered for senior citizens by providers of health care and sold over counter, without prescription, from taxes on retail sales. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Ohrenschall and Claborn. 299, 483.

352.... Makes various changes relating to manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, Claborn, and Buckley. 300, 749, 750, 817, 1217*.

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353 .... Makes various changes to provisions governing disclosure of personally identifiable information concerning students by University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Giunchigliani. 300, 744, 746, 772, 1217*, 1624, 1649, 1650, 2043, 2088, 2186, 2223, 2352.

354 .... Revises provisions governing employees of a school district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani. 300, 537, 559, 588, 856, 1220*.

355 .... Provides in certain larger counties for temporary exemption from personal property taxation for certain commercial helicopters and establishes temporary moratorium on construction or operation of new heliports. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Giunchigliani; Senator Coffin. 300, 893, 894, 974, 1260*, 1773, 2009, 2010, 2168, 2176, 2213, 2214, 2223, 2352.

356 .... Revises various provisions relating to determination of livable wages and establishment of certain benefits for certain employees in private employment. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Giunchigliani. 308, 826, 827, 833, 1217, 1260*, 1261.

357 .... Provides for establishment of minimum standards for education, training and certification of electricians. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Giunchigliani. 308, 435.

358 .... Revises provisions relating to certain special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. 308, 1123, 1255, 1266*, 1267, 1774, 2031, 2032, 2034, 2169, 2229, 2230, 2305, 2447.

359 .... Revises provisions regarding certain fleets to authorize use of certain additives for motor vehicle fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle, Knecht, Andonov, Brown, Carpenter, Goicoechea, Gustavson, Manendo, Marvel, Mortenson, Sherer, and Weber; Senators Neal, Nolan, Shaffer, and Washington. 309.

360 .... Revises provisions governing retirement of Legislators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter. 309, 321.

361 .... Requires local governments that acquire certain public utilities or expand certain facilities for utility service to make certain payments or provide certain compensation in lieu of taxes and franchise fees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 309, 411, 425, 432, 443, 479, 492*, 1546, 1772.

362 .... Revises provisions relating to driving or being in actual physical control of vehicle or operating or being in actual physical control of vessel while under influence of certain controlled substances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Giunchigliani, Anderson, and Conklin. 309.

363 .... Provides for creation of Silver Springs Water and Sewer District. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Grady and Collins; Senator Amodei. 309.

364 .... Authorizes imposition of additional tax on motor vehicle fuel by cities and counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel. 310.

365 .... Makes various changes to provisions regarding guardianship. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Buckley, Horne, Conklin, Ohrenschall, Anderson, Carpenter, Claborn, Mortenson, and Oceguera. By request. 310, 583, 584, 602, 670*, 1546, 1783, 1784, 2142.

366 .... Provides exemption from governmental services tax for vehicles registered by resident of Nevada who is on active duty in Armed Forces of United States. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Chowning. 310, 435, 855, 856, 877, 1226, 2379, 2385*.

367 .... Makes various changes relating to repair of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Chowning. By request. 310, 894, 900, 1261*, 1325, 1454.

368 .... Makes appropriation to Douglas County for construction of emergency well at China Springs Youth Camp. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Hettrick. 311.

369 .... Revises provisions governing trade practices between suppliers and dealers of farm equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Grady, Atkinson, Collins, Goicoechea, Knecht, McCleary, Pierce, Sherer, and Williams. 311, 893, 894, 923, 1255, 1267*, 1774, 2019, 2020, 2179.

370 .... Provides for issuance of special license plates for support of Kid's Fishing Derby and provides for design, preparation and issuance of special license plates by petition to Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. By request. 311.

371 .... Requires State Land Registrar to convey certain land to Nevada FFA Foundation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Collins, Gibbons, Carpenter, Horne, Grady, Atkinson, Claborn, Goicoechea, Hardy, Koivisto, Manendo, McCleary, Pierce, Weber, and Williams. By request. 311, 435, 446, 475.

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372.... Requires person who develops or operates renewable energy generation project to obtain permit from Division of Wildlife of State Department of Conservation and Natural Resources under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Marvel, Collins, Sherer, Brown, Geddes, Goicoechea, Grady, and Hettrick. 312, 435.

373.... Limits period during which certain actions may be commenced or claims made relating to constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel, Sherer, Hettrick, Geddes, Goicoechea, and Grady. 312.

374.... Imposes additional tax on special fuel for repair and restoration of local roads. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goicoechea, Knecht, Carpenter, Collins, Geddes, Grady, Hardy, Koivisto, Marvel, McCleary, Pierce, and Weber. 312, 322.

375.... Makes minor revisions to districts from which certain members of Legislature, State Board of Education and Board of Regents of University of Nevada are elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers and Mabey; Senators Nolan and Rawson. 312, 893, 894, 977, 1261*, 1404, 1471.

376.... Makes various changes to provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers and Mabey; Senators Nolan and Rawson. 312.

377.... Makes appropriation to Classroom on Wheels for purchase of two buses to provide mobile school services for homeless children in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Parks, Leslie, Conklin, McClain, Ohrenschall, Anderson, Arberry, Atkinson, Buckley, Giunchigliani, Goldwater, Koivisto, Manendo, Perkins, and Pierce. 313.

378.... Authorizes licensing authority and agency which provides child welfare services to obtain direct access to certain records of criminal history of Federal Bureau of Investigation for the placement of children in emergency situations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie, Conklin, Koivisto, Ohrenschall, Atkinson, Buckley, McClain, and McCleary. 313, 723, 724, 737, 841*, 1370, 1454.

379.... Requires super-majority vote for approval of certain decisions relating to land use planning in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gustavson, Angle, Gibbons, and Marvel. 314.

380.... Abolishes requirements relating to spheres of influence in regional planning in certain counties and revises manner in which governing board for regional planning may take action on certain appeals concerning projects of regional significance in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gustavson, Angle, Gibbons, Marvel, and Grady. 314.

381.... Revises provisions governing purpose, membership and procedure of multidisciplinary team to review death of child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie, Koivisto, Parks, Ohrenschall, Atkinson, Buckley, Conklin, Geddes, and McClain. 314, 538, 559, 588, 612, 1273, 1283, 1286*, 1509, 1622.

382.... Authorizes Board of Regents of University of Nevada to establish Institute for Latino Research and Advocacy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Leslie, Anderson, Parks, Geddes, Conklin, Atkinson, Chowning, McClain, and McCleary. 314, 499, 689, 690, 698.

383.... Makes appropriation to University of Nevada, Las Vegas, for allocation to Women's Research Institute of Nevada for support of National Education for Women's Leadership Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. McClain, Koivisto, Giunchigliani, Leslie, Gibbons, Arberry, Buckley, Chowning, Claborn, Manendo, Ohrenschall, Pierce, and Weber. 315.

384.... Makes various changes concerning provision of prescription drugs pursuant to Medicaid program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Koivisto, McClain, Ohrenschall, Parks, Anderson, Christensen, Claborn, Leslie, and Pierce. 315, 854, 1123, 1128, 1261*, 1546, 1718, 1722, 2041.

385.... Makes various changes concerning civil actions involving physical acts committed against incapacitated minors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, Ohrenschall, Parks, Anderson, Christensen, Claborn, Leslie, McClain, and Pierce. 315.

386.... Makes various changes relating to product safety for children. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Koivisto, McClain, Ohrenschall, Anderson, Christensen, Claborn, Leslie, Parks, and Pierce. 315, 499, 538.

387.... Makes various changes to provisions governing taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Goldwater, Buckley, Perkins, and Griffin. 315, 435.

388.... Authorizes creation of health and welfare benefit trust for employees of local government employers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, Pierce, McClain, Parks, Ohrenschall, Anderson, Christensen, Claborn, and Giunchigliani. By request. 316, 583, 584, 607, 670*, 1774, 2010, 2011, 2169, 2178, 2303, 2317, 2447.

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389.... Prohibits control of thrift companies by certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn, Ohrenschall, Pierce, Koivisto, Parks, Anderson, Atkinson, Buckley, Carpenter, Chowning, Christensen, Conklin, Goldwater, Leslie, Manendo, McClain, McCleary, Mortenson, and Sherer. 316, 744, 746, 773, 1217, 1218*.

390.... Revises provisions relating to duties and liability of owner of property relating to sidewalks in public right-of-way abutting his property. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Parks, Manendo, Arberry, Buckley, Chowning, Goldwater, Griffin, Horne, Leslie, McClain, McCleary, and Pierce. By request. 316, 893, 894, 1064, 1261*, 1546, 1777, 1778, 2142.

391.... Makes appropriation to University and Community College System of Nevada for creation of Program of Workforce Development Challenge Grants. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 317, 365, 625, 627, 638.

392.... Increases amount of longevity payments to state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Arberry. 317, 321, 435, 507, 548, 1343, 1371, 1464, 1469, 1486, 1505, 1506, 1515*, 2305, 2352.

393.... Revises provisions relating to public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goldwater. 317, 893, 894, 926, 1255, 1267*, 1774.

394.... Revises provisions governing removal by police officer of vehicle or part of vehicle from highway to garage or other place of safekeeping. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Goldwater and Chowning. 317, 745, 746, 774, 1218*, 1774, 2088, 2179.

395.... Provides for assessment of fee on certain facilities for intermediate care and on certain facilities for skilled nursing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Goldwater. 318, 499, 658, 660, 723, 841*, 2222, 2225, 2226, 2310.

396.... Requires Clark County School District to continue pilot program for replacement of certain schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Williams, Manendo, Arberry Jr., Giunchigliani, Koivisto, Anderson, Atkinson, Collins, Conklin, Goldwater, Grady, Horne, Leslie, McCleary, Oceguera, Parks, Perkins, Pierce, and Sherer. 318, 410, 425, 432, 443, 498, 502, 532*, 1774, 1776, 1777, 2142.

397.... Makes various changes concerning proceedings in actions concerning eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Horne, Conklin, Sherer, Leslie, Chowning, Andonov, Arberry, Atkinson, Beers, Buckley, Carpenter, Christensen, Claborn, Collins, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Koivisto, Mabey, Manendo, McClain, McCleary, Mortenson, Oceguera, Parks, Perkins, Pierce, and Williams; Senators Neal, Titus, Wiener, Cegavske, O'Connell, Carlton, Coffin, Mathews, McGinness, Nolan, and Tiffany. 318, 498, 529, 550, 579*.

398.... Establishes alternative procedure pursuant to which certain performance contracts for cost-savings energy measures in buildings occupied by governmental entities are bid. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Geddes, Hettrick, Hardy, Beers, Knecht, Anderson, Andonov, Arberry, Buckley, Carpenter, Chowning, Christensen, Collins, Conklin, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Horne, Koivisto, Leslie, Mabey, Manendo, Marvel, Mortenson, Parks, Perkins, Pierce, Sherer, and Weber; Senators Townsend and Amodei. 319, 745, 746, 774, 892, 1214, 1255, 1263, 1268, 1269*, 1774, 1814, 1817, 2169, 2172, 2303, 2304, 2317.

399.... Makes appropriation for financial counseling for certain persons in danger of having residential mortgage foreclosed upon. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Arberry, Buckley, Williams, and Anderson. 319, 365.

400.... Authorizes certain persons to have personal information contained in certain public records kept confidential in certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Gibbons, Anderson, Christensen, Collins, Geddes, and Mabey. By request. 319.

401.... Allows public body or Department of Transportation to authorize private entity to develop, construct, improve, maintain or operate transportation facility. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, Grady, Brown, Andonov, Beers, Christensen, Geddes, Gibbons, Goicoechea, Griffin, Gustavson, Hettrick, Mabey, McClain, and Weber. 319, 893, 894, 936, 1255, 1266, 1270, 1271*, 1774, 2020, 2023, 2179.

402.... Makes various changes concerning approval of certain medical helicopters and certain health facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Sherer, Knecht, Brown, Collins, Conklin, Geddes, Hettrick, Koivisto, and Marvel. 320, 446, 476, 492*, 1624, 1722, 1724, 2041.

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403 .... Revises provisions governing forfeiture of certain water rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Sherer, Knecht, Brown, Collins, Conklin, Hettrick, and Marvel. 320, 321, 827, 835, 1218*, 1371, 1454.

404 .... Makes appropriations to increase access to obstetrical and gynecological services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Hardy, Gibbons, Geddes, Andonov, Beers, Christensen, Conklin, Goicoechea, Grady, Griffin, Hettrick, Koivisto, Mabey, Manendo, Pierce, and Weber. 320.

405 .... Revises provisions relating to veterans' cemeteries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, Knecht, Andonov, Grady, Brown, Beers, Christensen, Collins, Conklin, Geddes, Gibbons, Goicoechea, Griffin, Gustavson, Hettrick, Koivisto, Mabey, McClain, McCleary, Oceguera, Pierce, and Weber. 320, 893, 894, 1066, 1262*, 1509, 1622.

406 .... Revises provisions governing reporting of information by physicians to Department of Motor Vehicles concerning certain patients with epilepsy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, Gibbons, Andonov, Beers, Brown, Christensen, Collins, Conklin, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Knecht, Koivisto, Mabey, Manendo, McClain, Pierce, and Weber. 321, 1084, 1117, 1226.

407 .... Authorizes school districts to open public school libraries to general public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, Collins, Knecht, Brown, Mabey, Andonov, Beers, Christensen, Conklin, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Koivisto, Manendo, McClain, Oceguera, Pierce, and Weber. 322, 537, 560, 615*, 1325, 1454.

408 .... Revises provisions relating to freedom to display flag of United States. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Griffin and Hettrick. 322, 745, 746, 783, 1218*.

409 .... Authorizes public bodies to provide certain notice and information by electronic mail. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Sherer, Knecht, Brown, Collins, Conklin, Geddes, Giunchigliani, Hettrick, and Marvel. 323, 446, 476, 492, 493*, 1308, 1338.

410 .... Makes various changes relating to elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Sherer, Knecht, Brown, Conklin, Geddes, Giunchigliani, Hettrick, and Marvel. 323.

411 .... Revises provisions governing literacy in public schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Angle, Gustavson, Beers, Gibbons, Griffin, Hardy, Hettrick, Mabey, and Marvel. 323, 483.

412 .... Increases the period of residency required to qualify as candidate for certain offices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McClain, Koivisto, Giunchigliani, Angle, Beers, Goicoechea, Griffin, Hettrick, Knecht, Manendo, and McCleary. 324.

413 .... Makes various changes relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Knecht, Hettrick, Brown, Beers, Angle, Andonov, Carpenter, Christensen, Claborn, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Mabey, Marvel, Parks, Sherer, and Weber. 324.

414 .... Authorizes use of single center lane to make left-hand turn onto highway. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Knecht, Hettrick, Brown, Beers, Angle, Andonov, Arberry, Carpenter, Christensen, Claborn, Conklin, Geddes, Gibbons, Goicoechea, Grady, Griffin, Hardy, Marvel, McClain, McCleary, Mortenson, Sherer, and Weber. 324.

415 .... Directs Governor to appoint committee to study authorizing entrepreneurial activities to generate revenue for State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Knecht, Hettrick, Brown, Beers, Angle, Andonov, Arberry, Carpenter, Christensen, Claborn, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Mabey, Marvel, McCleary, Mortenson, Parks, Sherer, and Weber. 325, 893, 894, 1067, 1261, 2231.

416 .... Revises provisions governing emissions testing for certain motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle, Gustavson, Knecht, Andonov, Brown, Christensen, Goicoechea, Hardy, and Sherer. 325, 333.

417 .... Establishes procedures for claims against bonds and deposits of certain persons licensed by Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Atkinson, Buckley, Horne, Parks, Ohrenschall, Claborn, Collins, Goicoechea, Knecht, Koivisto, Leslie, Manendo, Oceguera, Pierce, and Williams. 325, 1084, 1118, 1262*, 1734.

418 .... Privatizes temporarily certain duties of State Public Works Board. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Perkins. 325, 499, 1522, 1550, 1697, 1711*.

419 .... Provides that landlord of dwelling units intended and operated exclusively for persons 55 years of age and older may not employ person to perform work on premises unless person has work card issued by sheriff. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Pierce, Ohrenschall, Manendo, Parks, Koivisto, Anderson, Arberry, Atkinson, Buckley, Chowning, Collins, Conklin, Geddes, Goicoechea, Goldwater, Grady, Horne, Leslie, McClain, McCleary, Mortenson, Oceguera, Sherer, and Weber. 326, 744, 746, 785, 1218*, 1509, 1702, 1772.

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420 .... Revises provisions relating to secondhand dealers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Weber, Knecht, Christensen, Grady, Hardy, Hettrick, McClain, Pierce, and Williams. 326, 497, 529, 541, 745, 837, 1218*, 1219, 1370, 1454.

421 .... Requires that candidates for certain nonpartisan offices who are unopposed be declared elected to office after primary election under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Weber. 326, 749, 750, 818, 1219*, 1509, 1622.

422 .... Exempts State of Nevada from provisions of federal law requiring daylight saving time. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers, Gibbons, Goicoechea, Hardy, and McClain. 327, 537, 560, 562.

423 .... Authorizes manufacture of switchblade knifes in this state under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick, Knecht, Gustavson, Beers, Gibbons, Anderson, Andonov, Angle, Arberry, Atkinson, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Horne, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 327.

424 .... Revises provisions concerning penalty for person who contracts with state agency and fails to perform according to terms of contract. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Geddes. By request. 327, 333, 483, 749, 750, 819, 1219*, 1509, 1622.

425 .... Revises provisions regarding public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks. 327, 749, 750, 820, 1219*, 1774, 2059, 2061, 2179.

426 .... Requires school districts to reimburse University and Community College System of Nevada for cost of required remedial education of certain graduates of high schools in district. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Hettrick, Marvel, Gustavson, Griffin, Beers, Andonov, Brown, Goicoechea, Grady, Hardy, Knecht, Mabey, and Sherer. 328, 483.

427 .... Makes various changes with respect to requirements relating to land use that may be imposed by governing body. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick, Knecht, Gibbons, Angle, Beers, Brown, Grady, Hardy, Mabey, Marvel, Sherer, and Weber. 328, 893, 894, 1068, 1262*, 1371, 1454.

428 .... Imposes certain requirements relating to adoption or amendment of master plan of county or city. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick, Knecht, Angle, Beers, Brown, Goicoechea, Grady, Griffin, Gustavson, Hardy, Mabey, Marvel, Sherer, and Weber. 328.

429 .... Makes various changes relating to net metering and renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick, Hardy, Geddes, Knecht, Beers, Brown, Goicoechea, Grady, Griffin, Gustavson, Mabey, Marvel, and Sherer. 329, 1083, 1084, 1119, 1205, 1226, 1227, 1268, 1269*, 1774, 2023, 2025, 2179.

430 .... Prohibits Department of Human Resources from taking certain actions to restrict access to certain prescription drugs for mental illness provided pursuant to Medicaid and to antiretroviral prescription drugs provided to certain persons pursuant to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Leslie. 329, 435, 749, 750, 823, 825.

431 .... Establishes program to provide incentives for installation of certain solar energy systems. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Giunchigliani. 329, 483, 893, 894, 944, 1262*, 1774, 2026, 2179.

432 .... Revises provisions concerning certain penalties against and withholdings of money from contractors and subcontractors on public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brown, Knecht, Hardy, Andonov, Goicoechea, Grady, Hettrick, Marvel, and Sherer. 330, 893, 894, 947, 1262, 1263*, 1774, 2026, 2028, 2179.

433 .... Makes various changes to provisions regulating persons providing check-cashing and deferred deposit services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Brown, Buckley, Marvel, and Sherer. 330, 551, 589, 670, 671*.

434 .... Requires Department of Motor Vehicles to authorize new vehicle dealers to issue certificates of registration, license plates and decals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Angle, Gustavson, Knecht, Andonov, Brown, Christensen, Goicoechea, Hardy, and Sherer. 330.

435 .... Requires courts that issue or modify orders that award custody of children to issue detailed parenting plans. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Gustavson, Angle, Knecht, Brown, Chowning, Goicoechea, Grady, and Hettrick; Senator Nolan. By request. 330.

436 .... Revises provisions governing ballot questions. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Gustavson, Angle, Beers, Brown, Chowning, Claborn, Grady, Weber; Senator Nolan. 331.

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437.... Revises definition of "supplier" for purposes of tax on and sale of liquor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Christensen, Knecht, Claborn, Ohrenschall, Koivisto, Anderson, Andonov, Angle, Atkinson, Beers, Brown, Carpenter, Chowning, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Horne, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Townsend, Rawson, Rhoads, and Washington. By request. 331, 508, 548, 579*, 1509, 1615, 1616, 1772.

438.... Requires annual increase in amount of compensation that claimant or dependent of claimant is entitled to receive for permanent total disability under industrial insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Christensen, Knecht, Ohrenschall, Andonov, Koivisto, Anderson, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Chowning, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Horne, Leslie, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Townsend, Rawson, and Washington. 332, 499, 744, 746, 786, 1219*, 1308, 1338.

439.... Makes various changes to provisions pertaining to business. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Christensen, Knecht, Ohrenschall, Beers, Conklin, Anderson, Andonov, Angle, Arberry, Brown, Carpenter, Chowning, Collins, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Koivisto, Mabey, Manendo, Marvel, Mortenson, Oceguera, Parks, Perkins, Sherer, Weber, and Williams; Senators Townsend, Rawson, Rhoads, and Washington. 332, 483.

440.... Makes appropriation to Welfare Division of Department of Human Resources for statewide training program by Nevada Network Against Domestic Violence. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Williams, Arberry, Leslie, Horne, Ohrenschall, Andonov, Angle, Atkinson, Brown, Buckley, Carpenter, Chowning, Claborn, Collins, Gibbons, Goicoechea, Goldwater, Griffin, Hardy, Koivisto, Manendo, McClain, McCleary, Mortenson, and Oceguera. 332.

441.... Enacts provisions relating to ensuring security of State of Nevada and its residents with respect to acts of terrorism and related emergencies. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Perkins. 338, 365, 690, 698, 704, 1509, 1602, 1697, 1711*, 2387, 2419, 2422.

442.... Provides for abatement of property taxes for certain residences to avoid severe economic hardship. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Hettrick. 339, 483, 745, 746, 786, 1216.

443.... Provides additional penalty for selling or providing certain controlled substances in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 349, 435, 456, 478, 533*, 1509, 1622.

444.... Makes various changes relating to transportation. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Transportation. 349, 538, 560, 614, 627, 673, 674*, 1774, 2034, 2038, 2169, 2170, 2239, 2241, 2317.

445.... Makes various changes related to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 355, 417, 431, 723, 724, 741, 841*, 1509, 1622.

446.... Revises certain provisions relating to constructional defects, dissolution of corporations and limited-liability companies and commencement of civil actions by unit-owners' associations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 355.

447.... Makes various changes concerning management of solid waste. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 359.

448.... Clarifies provisions governing arrest involving violation of order for protection against domestic violence. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Judiciary. 360, 508, 548, 579*, 1509, 1622.

449.... Revises various provisions governing contractors and claims and transactions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 360.

450.... Prohibits designation of certain positions in government as being position for which monthly service retirement allowance may be paid when previously retired employee fills position during critical labor shortage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 360, 626, 627, 639, 725, 726*.

451.... Clarifies provisions governing compensation for certain firemen who develop disabling cancer as occupational disease. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 373, 483, 581, 589, 671, 672, 673*, 1624, 1802, 1804, 2142.

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452 .... Makes various changes regarding dispensing opticians. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 373, 893, 894, 1069, 1263*, 1774, 2064, 2070, 2179.

453 .... Makes various changes to provisions relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 374, 483, 826, 827, 836, 856, 857, 1255, 1267*, 1774, 2155, 2166, 2231.

454 .... Directs Legislative Auditor to conduct performance audit of Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 374, 417, 827, 835, 1219*, 1220.

455 .... Authorizes certain counties to impose additional taxes on motor vehicle fuel and to increase certain impact fees for new development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 374.

456 .... Revises provisions relating to employment of certain persons in connection with redevelopment projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 375, 445, 476, 493*.

457 .... Makes various changes concerning collection of debts by state agencies and State Controller. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 375, 745, 746, 787, 894, 1216.

458 .... Requires payment of overtime to mechanics and workmen employed on public works under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 375, 690, 704, 841, 842*, 1546, 1777, 2142.

459 .... Authorizes county recorder to deny recordation of certain documents. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 376, 497, 530, 550, 580*, 1774, 2011, 2179.

460 .... Makes various changes regarding manufacture, sale and use of tobacco products. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 376, 483, 690, 706, 717, 2314, 2365, 2366*, 2444.

461 .... Provides that certain money may be distributed to Peace Officers' Standards and Training Commission and used for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 376, 540.

462 .... Limits access to records related to homeland security. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 376.

463 .... Increases percentage of proceeds of certain fees and taxes relating to motor vehicles that may be used for costs of administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 377, 397, 435.

464 .... Establishes Commission to Review the Compensation of Legislators. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 377, 435, 538, 1773, 1834.

465 .... Makes appropriations for planning and design of facility for vocational training in Southern Nevada and for planning and design of performing arts center in City of Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 377.

466 .... Makes appropriation for special assessment on state-owned property assessed for improvements relating to flood protection project. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 377, 2379, 2381, 2412, 2413*.

467 .... Authorizes State Forester Firewarden to carry forward money to purchase, repair and maintain certain equipment and vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 377, 509.

468 .... Makes supplemental appropriations to Welfare Division of Department of Human Resources for unanticipated shortfalls in Fiscal Year 2002-2003 for Electronic Transfer Program and State's share of caseload requirements and cost allocation of Division. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 378, 538, 561, 615*, 1294, 1305.

469 .... Makes supplemental appropriation to Division of Child and Family Services of Department of Human Resources for unanticipated shortfall in money for medical care and higher-level placements for Medicaid-eligible children. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 378, 1370, 1412, 1467*, 1773, 2142.

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470.... Extends date of reversion of appropriation for one-time costs of transfer of certain child welfare services to Clark County and Washoe County. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 378, 1273, 1282, 1286, 1287*, 2138, 2179.

471.... Makes supplemental appropriation to Division of Health Care Financing and Policy of Department of Human Resources for shortfall in budgeting in Fiscal Year 2002-2003 for Medicaid caseload and county-match requirements. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 378, 1404, 1458, 1486*, 1773, 2142.

472.... Makes appropriation to CHR, Inc., for operational costs and personnel expenses related to carrying out its program "Caring, Helping and Restoring Lives." Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 378.

473.... Transfers authority to administer certain accounts that provide financial assistance to public water systems from Health Division of Department of Human Resources to Division of Environmental Protection of State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 379, 435, 1308, 1321, 1333*, 1774, 2140, 2142, 2192, 2310.

474.... Revises provisions governing payment of expenses of Commission for the Preservation of Wild Horses from money in Heil Trust Fund for Wild Horses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 379, 435, 2379, 2385*, 2444.

475.... Makes various changes concerning providing health insurance for child pursuant to court order for support. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 379, 435, 552, 562, 575, 1302, 1312*, 1313, 1773, 2142.

476.... Requires employers to ensure that employees comply with laws governing registration of motor vehicles and obtaining drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 379, 552, 1370, 1412, 1467, 1468*.

477.... Revises provisions governing refund of certain registration fees and governmental services taxes by Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 380, 723, 724, 726, 738.

478.... Revises provisions relating to registration of certain businesses regulated by Division of Consumer Affairs of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 380, 397.

479.... Revises provisions governing coverage for certain occupational diseases for certain employees of State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 380, 483.

480.... Revises provisions regarding Public Employees' Retirement System. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Government Affairs. 380, 435.

481.... Makes various changes concerning state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 381, 551, 584.

482.... Revises provisions governing payment of hospitals for treating disproportionate share of Medicaid patients, indigent patients or other low-income patients. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Ways and Means. 381, 509, 2353, 2354, 2385*, 2386, 2444.

483.... Requires governing bodies of local governments to grant preference to local bidders bidding on certain local governmental contracts for goods or services. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 381.

484.... Requires governing body of certain cities and counties to adopt ordinances regarding licensure of mobile and nonpermanent vehicle wash vendors and ordinance regarding recovery of wastewater by such licensees. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 381, 894, 900, 1263, 1264*.

485.... Revises provisions relating to relief from liability for certain persons regarding certain real property at which hazardous substance has been or may have been released. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 382, 690, 717, 748, 1214, 1264*, 1546, 1608, 1609, 1772.

486.... Increases limitation on certain fees that State Emergency Response Commission may require certain persons to pay for calendar year. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 382, 508, 539, 552, 581.

487.... Enlarges membership of Legislative Committee on Public Lands and provides date for expiration of Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 382, 625, 627, 640, 726*.

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488 .... Makes various changes concerning ditches. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 383, 483, 626, 627, 640, 723, 1301, 1313*, 1546, 1772.

489 .... Revises provisions relating to dental hygiene. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 383, 826, 827, 836, 1220*, 1325, 1454.

490 .... Makes various changes relating to escrow agencies, mortgage brokers, mortgage agents and mortgage bankers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 383, 483, 893, 894, 948, 1255, 1267, 1268, 1270, 2088, 2089, 2151, 2217, 2220, 2225, 2306, 2307*, 2387, 2407, 2409.

491 .... Revises provisions relating to social workers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 384.

492 .... Provides for regulation of mortgage bankers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 384.

493 .... Provides for money collected by Commissioner of Financial Institutions and Division of Financial Institutions of Department of Business and Industry to be deposited in State Treasury and to be accounted for separately in State General Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 384, 507, 508, 540, 1273, 1282, 1287*, 1829, 2070, 2074, 2305, 2413, 2417.

494 .... Requires person who wishes to be qualified to bid on contracts for public works to have employee benefit plan in effect for his employees. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 384, 540.

495 .... Makes various changes relating to industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 385, 483, 893, 894, 951, 1264*.

496 .... Revises provisions governing registration and security requirements applicable to sellers of travel, tour brokers and tour operators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 385.

497 .... Exempts licensed child care facility from certain regulations applicable to food establishment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 385, 581, 590, 673*, 1343, 1454.

498 .... Makes various changes regarding manufactured home parks and tenants of real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 386, 893, 894, 952, 1264*, 1509, 1702, 1704, 2043, 2058, 2190, 2191, 2223, 2352.

499 .... Authorizes governing body of local government to create maintenance districts to pay cost of maintaining and improving certain local improvement projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 386, 894, 1070, 1255, 1268*.

500 .... Revises provisions relating to use of aversive intervention or forms of restraint on persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 386.

501 .... Makes various changes to provisions governing welfare and other programs of public assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 386, 483, 538, 561, 615*, 1370, 1454.

502 .... Requires certain policies of health insurance and health care plans to include coverage for certain medical treatment provided in clinical trial or study. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Health and Human Services. 387, 397, 499, 893, 894, 954, 1255, 1268*, 1774, 2038, 2041, 2222, 2225, 2324, 2326, 2327, 2378.

503 .... Revises provisions relating to medical use of marijuana. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 387, 854, 856, 878, 1265*.

504 .... Makes various changes concerning provision of health care services in this state. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 387, 499, 658, 661, 662, 1343, 1371, 1376, 1396*, 1773, 2142.

505 .... Revises provisions concerning background checks conducted on certain applicants for employment with private and certain other postsecondary educational institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 388, 537, 562, 615, 616*, 674.

506 .... Prescribes limit on number of administrators in certain large school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 388.

507 .... Revises provisions governing transferability of certain community college credits to university or state college. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 388, 689, 690, 718, 842*, 1509, 1650, 1772.

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508 .... Revises provisions governing academic standards for certain grade levels to include certain cultural studies. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Education. 388, 483, 689, 690, 718, 722.

509 .... Revises provisions governing review of decision of board of trustees to close or change use of particular school. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 388, 507, 548, 580*, 1509, 2058, 2179.

510 .... Requires State Board of Education to prescribe course of study to prepare pupils for high school proficiency examination. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Education. 389, 625, 627, 645, 722, 724, 1226, 1265*, 1509, 1622.

511 .... Makes appropriation to Board of Regents of University of Nevada for expenses directly related to implementing bachelor's degree program at certain campuses of Community College of Southern Nevada in field of elementary and secondary education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 389, 397, 537.

512 .... Prescribes requirements for privatization agreements between school districts and contractors for certain educational services. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Education. 389, 893, 894, 901, 1265*.

513 .... Revises provisions governing provision of safe and respectful learning environment in public schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Education. 390, 483, 689, 690, 722, 1820, 1836.

514 .... Provides for enactment of certain provisions that are necessary to carry out Streamlined Sales and Use Tax Agreement. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation. 390, 499, 1123, 1133, 1265*, 1774, 2075, 2088, 2179.

515 .... Makes various changes to provisions governing property tax assistance for senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation. 390, 509, 584, 608, 1473, 1515, 1603*, 2042, 2179.

516 .... Makes various changes to provisions governing taxes on motor vehicle fuels. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Taxation. 390, 509, 855, 856, 879, 1262, 1325, 1365, 1396, 1434*, 1773, 2142.

517 .... Imposes tax on financial institutions for privilege of doing business in state. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Taxation. 391, 499.

518 .... Makes various changes relating to regulation of certain motor carriers, motor vehicles and limousines. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 391, 483, 508, 548, 549, 1320, 1333, 1365, 1386, 1396, 1434*, 1435, 2192, 2201, 2203, 2222, 2225, 2329, 2336, 2378.

519 .... Revises provisions relating to awarding of design-build contracts by Department of Transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 391, 855, 856, 889, 1084, 2146, 2147, 2167*, 2305, 2352.

520 .... Transfers Program for Education of Motorcycle Riders from Department of Motor Vehicles to Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 391, 446, 476, 493*, 1302, 1322.

521 .... Expands title and duties of Section for Control of Emissions from Vehicles of Department of Motor Vehicles to include enforcement of certain matters relating to use of special fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 392, 499, 538, 562, 2168, 2170*, 2171, 2305, 2352.

522 .... Revises provisions governing short-term leases of passenger cars. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 392, 894, 902, 1265*, 1509, 1610, 1772.

523 .... Authorizes certain counties to use proceeds from county motor vehicle fuel tax for maintenance and repair of streets, highways and various other projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 392.

524 .... Exempts from governmental services taxes vehicles registered to Nevada residents on active military duty. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Transportation. 392, 499.

525 .... Revises method by which proceeds from certain taxes on motor vehicle fuel are allocated between local governments in certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Transportation. 392.

526 .... Makes various changes concerning contests of general elections for offices of Assemblyman and Senator. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 393, 749, 750, 823, 1220*, 1773, 2142.

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527.... Makes various changes concerning elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Elections, Procedures, and Ethics. 393, 483.

528.... Makes various changes to provisions governing elections and campaign finance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 393, 749, 750, 825, 1220*, 1624, 1786, 1787, 2142.

529.... Makes various changes concerning reporting of campaign contributions and expenditures and certain other financial information. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Elections, Procedures, and Ethics. 394, 1230, 1231, 1270*, 1774, 1787, 1796, 2169, 2170, 2337, 2338, 2378.

530.... Revises provisions governing certain property taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 394, 584, 608, 673*, 1371, 1505, 1543.

531.... Establishes joint and several liability of responsible person and other taxpayers for payment of certain taxes, interest and applicable penalties that are owed. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 394, 508, 549, 580*, 1294, 1305.

532.... Directs issuance of Nevada silver coins. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Constitutional Amendments. 395.

533.... Makes various changes to provisions governing the recordation and taxation of property. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Taxation. 400, 499, 1205, 1211, 1835, 1841, 2063*, 2064, 2316, 2351, 2447.

534.... Makes various changes concerning State Public Works Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 400, 483, 502, 533, 750, 1216, 1523, 1603, 1648, 1725, 1733, 1770*, 2192, 2213, 2310.

535.... Makes appropriation for reimbursement of costs incurred by private nonprofit sponsors of summer food service programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 400.

536.... Makes various changes to provisions pertaining to business. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 401, 626, 627, 646, 742, 842*, 1774, 1898, 2005, 2007, 2008, 2145, 2146.

537.... Authorizes use of arbitrator for certain grievances filed by state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 401, 483, 894, 1071, 1073, 2181, 2183, 2194, 2195*, 2199, 2210*.

538.... Allows certain officers and employees of redevelopment agency or community to have interest in real property in redevelopment area under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 401.

539.... Makes various changes concerning contracts into which members of certain governing bodies may enter with governing body. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 401, 587, 588, 611, 673*, 1509, 1622.

540.... Revises provisions governing bidders and subcontractors on contracts for public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 402.

541.... Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 402, 893, 894, 1073, 1255, 1268*, 1774, 1796, 1797, 2142.

542.... Makes various changes relating to operation of Legislature and Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 499, 1369, 1413, 1468*, 2041, 2171, 2172, 2231.

543.... Repeals credit against general tax on insurance premiums for certain assessments paid by insurers providing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 509, 540, 1370, 1415, 1468*.

544.... Establishes for next biennium amount to be paid by this state for group insurance for certain public employees, public officers and retired public employees and makes appropriations to effect certain increases in Retired Employees' Group Insurance assessment for certain state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means. 1303, 1481, 1835, 1839, 2063*, 2064, 2305, 2375, 2378.

545.... Revises provisions relating to elections conducted to determine which, if any, employee organization represents majority of local government employees in bargaining unit. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick, Knecht, Gustavson, Angle, Beers, Andonov, Brown, Carpenter, Christensen, Geddes, Gibbons, Goicoechea, Grady, Hardy, Mabey, Marvel, Sherer, and Weber (emergency request of Hettrick). 1311.

546.... Makes appropriation to City of Las Vegas for support of Youth Athletic Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1356.

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547.... Makes appropriation to City of Las Vegas for additional services to child care providers through Child Care Improvement Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1356.

548.... Abolishes Commission on Substance Abuse Education, Prevention, Enforcement and Treatment within Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 1462, 1509, 1624, 1706, 1775, 1840*, 2168, 2231.

549.... Revises provisions relating to uses of forfeited property or proceeds of forfeited property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 1510, 1524, 1624, 1706, 1775, 1840*, 1841, 2222, 2302, 2303, 2352.

550.... Increases certain fees collected by State Registrar. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 1625, 2144, 2146, 2184*, 2222, 2310.

551.... Requires certain local governments to pay periodic assessments for portion of costs of operating Commission on Ethics. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Ways and Means. 2234, 2313, 2321*, 2379.

552.... Making technical corrections to certain measures previously approved by 72nd Session of Nevada Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 2310, 2313, 2321*, 2444.

553.... Makes various changes regarding state financial administration and makes appropriations for support of civil government of State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2313, 2379, 2443*, 2444.

554.... Authorizes imposition of fee on certain rental cars in certain larger counties to finance professional sports stadium, performing arts center and facility for providing vocational training in culinary skills. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 2379, 2412, 2413*.

555.... Increases salaries of certain public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2380, 2412, 2413*, 2444.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

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

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Proposes to amend Nevada Constitution to allow Legislature to authorize State to operate lottery. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McClain, Koivisto, Manendo, Parks, Conklin, Anderson, Andonov, Atkinson, Buckley, Carpenter, Chowning, Claborn, Collins, Geddes, Gibbons, Giunchigliani, Goicoechea, Grady, Griffin, Hettrick, Leslie, Marvel, Mortenson, Oceguera, Ohrenschall, Pierce, and Williams. 113.

2.... Proposes to amend Nevada Constitution to authorize state participation in certain nonprofit governmental lotteries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Williams, McClain, Arberry, Collins, and Manendo. 115.

3.... Urges Congress to amend Social Security Act by repealing certain provisions that require reductions in social security benefits for persons who also receive certain federal, state or local government pensions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Buckley, Giunchigliani, Parks, Goldwater, Conklin, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Chowning, Christensen, Claborn, Collins, Geddes, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Perkins, Pierce, Sherer, Weber, and Williams. 207, 347, 357, 361, 371*, 1370, 1454.

4.... Urges President of United States and Congress to support free trade agreement between Republic of China on Taiwan and United States. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 242, 482, 502, 533*, 1546, 1772.

5.... Urges Congress to appropriate just compensation to State of Nevada for losses of revenue for public education from impact of land in Nevada held by Federal Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick, Perkins, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber, and Williams. 248, 1368, 1415, 1468*, 1773, 2142.

6.... Urges Congress to increase payments in lieu of taxes and make certain other reparations for detrimental effects of federally held lands in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, Gibbons, Collins, Marvel, Mabey, Andonov, Beers, Brown, Christensen, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Knecht, Koivisto, Manendo, McCleary, Pierce, Sherer, and Weber; Senators McGinness, Schneider, Washington, and Wiener. 261, 1369, 1415, 1464, 1468*, 1773, 2142.

7.... Proposes to amend Nevada Constitution to revise provisions relating to legislative sessions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Giunchigliani, Parks, Anderson, Arberry, Chowning, Christensen, Claborn, Collins, Goicoechea, Goldwater, Koivisto, Manendo, McClain, McCleary, Mortenson, Pierce, and Williams. 271, 1402, 1459, 1486, 1487*.

8.... Proposes amendment to Nevada Constitution to authorize reassessment of real property for taxation purposes upon transfer of ownership and, under certain circumstances, upon its conversion to another use. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson, Buckley, Carpenter, Claborn, Conklin, and Geddes. 306.

9.... Proposes to amend Nevada Constitution to require each board of county commissioners to determine salaries of certain county officers in its respective county. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 365.

10.... Proposes to amend Nevada Constitution to provide requirements for use of proceeds from certain settlement agreements and civil litigation between State of Nevada and manufacturers of tobacco products and to provide for sale of right to receive those proceeds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 366.

11.... Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify number and terms of members. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 395, 1456, 1474, 1515*, 2192, 2199, 2231.

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12 .... Proposes to amend Nevada Constitution to provide for staggered elections of District Judges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Constitutional Amendments. 396, 1307, 1321, 1334, 1335*.

13 .... Proposes to amend Nevada Constitution to revise provisions regarding special sessions of Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mortenson. 398, 1341, 1381, 1435*, 2041, 2179.

14 .... Proposes to amend Nevada Constitution to revise provisions governing right to vote and to repeal certain obsolete provisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Constitutional Amendments. 540.

15 .... Urges Congress to provide comprehensive plan for coverage of prescription drugs within Medicare program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 1343, 1365, 1396, 1435*, 1773, 2142.

16 .... Proposes to amend Nevada Constitution to provide that State Treasurer is ex officio State Controller. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 1344, 1364.

17 .... Proposes to amend Nevada Constitution to impose upon Legislature certain limitations on amount that may be appropriated or authorized for expenditure and to authorize reduction of tax upon real property if it is paid in lump sum. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Angle, Knecht, Gustavson, Beers, Andonov, Brown, Carpenter, Christensen, Gibbons, Goicoechea, Grady, Griffin, Hardy, Hettrick, Mabey, Marvel, Sherer, and Weber. 1353, 1364.

18 .... Proposes to amend Nevada Constitution to impose certain limitations on amount that Legislature may appropriate or authorize for expenditure. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Knecht, Beers, Hettrick, Gustavson, Angle, Andonov, Brown, Carpenter, Christensen, Gibbons, Goicoechea, Grady, Griffin, Hardy, Mabey, Marvel, Mortenson, Sherer, Weber; Senators Washington, Neal, O'Connell, McGinness, Cegavske, Amodei, Hardy, Nolan, and Wiener. 1377, 1378.

19 .... Proposes amendment to Nevada Constitution to limit amount of property tax and provide for retention of taxable value on real property until transfer of ownership. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Gustavson, Angle, Knecht, Beers, Christensen, Claborn, Geddes, Gibbons, Mabey, Mortenson, Sherer, and Weber. 1378.

ASSEMBLY JOINT RESOLUTIONS OF THE 17th SPECIAL SESSION

No. *Summary, Introducer and Page Reference*

1 .... Proposes to amend Nevada Constitution to revise certain provisions relating to system of county and township government and compensation of certain elected officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Joint Rules. 15, 22.

ASSEMBLY JOINT RESOLUTIONS OF THE 71st SESSION

No. *Summary, Introducer and Page Reference*

3 .... Proposes to amend Nevada Constitution to revise provisions governing right to vote and to repeal certain obsolete provisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Constitutional Amendments. 15, 16, 1301, 1312, 1322, 1334*, 1773.

8 .... Proposes to amend Nevada Constitution to provide for separate taxation of certain property regulated by interstate compact and to provide for abatement of tax upon or exemption of part of assessed value of undeveloped land or single-family residence under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Hettrick. 15, 17.

12 .... Proposes to amend Nevada Constitution to establish intermediate appellate court and revise term of person appointed to fill vacancy in office for supreme court justice, court of appeals judge or district judge. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Constitutional Amendments. 15, 18.

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 .... Adopts Joint Standing Rules of Senate and Assembly for 72nd Session of Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 24, 63, 78.

2 .... Memorializes victims of events of September 11, 2001. Perkins, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber, and Williams; Senators Rawson, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 70, 71, 72, 77, 89.

3 .... Grants administrative leave to legislative employees in recognition of their service to 72nd Session of Nevada Legislature. Chowning, Buckley, Perkins, Gibbons, Parks, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Christensen, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Pierce, Sherer, Weber, and Williams; Senators Coffin, Care, O'Connell, Townsend, Cegavske, Amodei, Carlton, Hardy, Mathews, McGinness, Neal, Nolan, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Washington, and Wiener. 141, 159, 179.

4 .... Honors longest-serving Legislators, Joseph E. Dini, Jr., and Lawrence E. Jacobsen. Hettrick, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 181, 183, 184, 185, 186, 194, 214.

5 .... Recognizes March 3, 2003, as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday. Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Titus, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Townsend, Washington, and Wiener. 201, 207, 224.

6 .... Memorializes longtime public servant, Henry "Hank" Etchemendy. Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 228, 229, 240, 249.

7 .... Memorializes former mining lobbyist and Nevada Tax Commissioner, Howard Winn. Marvel, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Rhoads, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 348, 349, 353, 362.

8 .... Expresses support for American military troops. Giunchigliani, Perkins, Buckley, Hettrick, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber, and Williams; Senators Titus, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Townsend, Washington, and Wiener. 353, 354, 355, 364, 372, 408.

No. *Summary, Introducer and Page Reference*

9.... Designates March 24, 2003, as Suicide Prevention Day in Nevada. Parks, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, Weber, and Williams; Senators O'Connell, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 367, 368, 369, 405, 414.

10.... Directs Legislative Commission to conduct interim study of operations of Public Employees' Benefits Program. Committee on Elections, Procedures, and Ethics. 397, 1508, 1548, 1625, 2378.

11.... Recognizes efforts of Nevada Music Educators Association. Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Titus, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Townsend, Washington, and Wiener. 411, 412, 418, 443.

12.... Memorializes former Assemblyman and public servant Carl Shelly. Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 418, 420, 430, 443.

13.... Designates March 31, 2003, as Homeless Awareness Day in Nevada. Parks, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, Weber, and Williams; Senators Rawson, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 435, 437, 438, 446, 479.

14.... Directs Legislative Commission to appoint subcommittee to study election, ethics and campaign laws in this state. Committee on Elections, Procedures, and Ethics. 626, 2192, 2193, 2205.

15.... Memorializes longtime advocate for senior citizens, Clarence Edwin "Ed" Fend, Jr. Buckley, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Titus, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Townsend, Washington, and Wiener. 1294, 1295, 1296, 1302, 1322.

16.... Designates April 30, 2003, as "Vintage Car Day" at Nevada Legislature. Hettrick, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 1302, 1303, 1308, 1338.

17.... Recognizes April 15, 2003, as Equal Pay Day in Nevada. Chowning, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Carlton, Amodei, Care, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 1309, 1310, 1320, 1338.

18 .... Directs Legislative Commission to conduct interim study of juvenile justice system in Nevada. Committee on Judiciary. 1310, 2144, 2146, 2387.

19 .... Directs Legislative Commission to conduct interim study of telecommunication services in Nevada. Parks. 1326, 2062, 2216, 2224.

20 .... Memorializes former Assemblyman and longtime educator James Edward Smalley, Sr. Brown, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Tiffany, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, and Wiener. 1326, 1328, 1343, 1454.

21 .... Declares that preservation of Walker Lake's freshwater ecosystem is important to residents of Nevada. Giunchigliani, Geddes, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Gibbons, Goicoechea, Goldwater, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators McGinness, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 1328, 2216, 2218, 2224.

22 .... Commends Highway Watch program and planned participation of Nevada Motor Transport Association. Committee on Transportation. 1328, 1371, 1454.

23 .... Congratulates City of Henderson upon celebration of its 50th Anniversary. Perkins, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber, and Williams; Senators O'Connell, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 1344, 1346, 1347, 1371, 1454.

24 .... Memorializes casino visionary and philanthropist William Bennett. Chowning, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Carlton, Amodei, Care, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 1347, 1348, 1349, 1371, 1454.

25 .... Designates week beginning May 10, 2003, as "Tourism Week in Nevada." Perkins, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber, and Williams; Senators Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 1349, 1351, 1371, 1454.

26 .... Memorializes longtime Nevada attorney and University of Nevada Regent, Joseph M. Foley. Giunchigliani, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 1351, 1352, 1353, 1371, 1454.

27 .... Directs Legislative Commission to appoint interim committee to study business practices of automobile insurance industry. Ohrenschall, Giunchigliani, Parks, Anderson, Atkinson, Buckley, Carpenter, Chowning, Claborn, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Griffin, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Pierce, Sherer, and Williams. 1510.

28 .... Provides for compensation of clergy for services rendered to Assembly and Senate during 72nd Session of Nevada Legislature. Committee on Elections, Procedures, and Ethics. 1547, 1774, 2142.

No. *Summary, Introducer and Page Reference*

29 .... Memorializes Marine hero Lance Corporal Donald J. Cline, Jr. Gustavson, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Washington, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, and Wiener. 1830, 1832, 2042.

30 .... Memorializes Marine hero Lieutenant Frederick Pokorney, Jr. Sherer, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Weber, and Williams; Senators McGinness, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 1832, 1833, 1834, 2042.

31 .... Encourages recognition of mental illness and suicide in young people of Nevada as public health crises and recommends implementation of evidence-based initiatives to screen children and adolescents for mental disorders. Ohrenschall. 2058.

32 .... Commends Chief and staff of State Printing Division of Department of Administration for services rendered to Nevada Legislature. Committee on Elections, Procedures, and Ethics. 2380, 2444.

ASSEMBLY RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 .... Provides for appointment of attaches. Committee on Elections, Procedures, and Ethics. 37, 78.

2 .... Provides allowances to leadership and other members of Assembly for periodicals, stamps, stationery and communications. Committee on Elections, Procedures, and Ethics. 38, 78.

3 .... Adopts Assembly Standing Rules for 72nd Session of Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 38, 78.

4 .... Provides for appointment of additional attaches for Assembly. Committee on Elections, Procedures, and Ethics. 159, 179.

5 .... Expresses appreciation to staff of Assembly and designates May 1, 2003, as Assembly Staff Appreciation Day. Perkins, Buckley, Hettrick, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber, and Williams. 1310, 1338.

6 .... Designates certain members of Assembly as regular and alternate members of Legislative Commission. Perkins, Buckley, and Hettrick. 1834, 2179.

LISTING OF SENATE BILLS AND ACTION THEREON

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

No. *Summary, Introducer and Page Reference*

1 .... Makes appropriation to Legislative Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Raggio and Titus. 63, 64*, 78.

3 .... Makes various changes to off-track pari-mutuel wagering. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Rhoads. 2222, 2224, 2227, 2412, 2443*, 2444.

6 .... Makes various changes relating to emergency management. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Rawson. 154, 157, 1403.

7 .... Repeals various obsolete provisions relating to telegraphs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 447, 1473, 1514*, 1772.

8 .... Increases penalty for certain punishable conduct by employer leading to death of employee. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 140, 144, 1473, 1514*, 1772.

10 .... Prohibits certain regulation of use of telephonic device by person who is operating motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 278, 286, 1473, 1511, 1604*, 2041.

11 .... Revises provisions governing extraordinary dividends or distributions of certain insurers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 118, 120, 163, 170, 189, 191*, 214.

13 .... Revises provision requiring landlord to disclose emergency telephone number to tenant at or before commencement of tenancy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 86, 89, 1324, 1356, 1396, 1435*, 1543.

15 .... Provides for issuance of special license plates for support of wildlife in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 509.

16 .... Specifies effect of abstention from voting by member of certain public bodies on necessary quorum and number of votes necessary to take action on matters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 509, 1341, 1382, 1436*, 1543.

17 .... Provides penalty for person who leaves child 7 years of age or younger unsupervised in motor vehicle under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener, Titus, Amodei, Care, McGinness, and Nolan. 130, 132.

18 .... Requires Department of Motor Vehicles to establish by regulation procedures for inspecting certain stations involved in control of emissions from engines. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Schneider. 252, 256, 1509, 1551, 1697, 1711*, 2142.

19 .... Makes various changes relating to advertising and awarding contracts for certain smaller public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1273, 1545, 1547, 1566, 1697, 1711*, 2145, 2179.

24 .... Makes various changes relating to certain health care records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Neal. 509, 1341, 1382, 1436*, 1774, 2041.

27 .... Provides for regulation of athletic trainers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 1273, 1402, 1461, 1487*, 1622.

28 .... Provides that certain money set aside for group insurance for officers and employees of school districts must not be used for other purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mathews. 180, 188, 1281, 1285, 1296*, 1322.

31 .... Authorizes boards of trustees of school districts to provide access to classes at community colleges for gifted and talented pupils and establish program of independent study for gifted and talented pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 341.

32 .... Makes various changes regarding Task Force for the Fund for a Healthy Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 163, 165, 206, 223, 236*, 249.

34 .... Clarifies that pupil may be retained more than once in same grade under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Human Resources and Facilities. 745, 746, 1462, 1475, 1517*, 2043, 2140, 2192, 2305, 2309, 2447.

No. *Summary, Introducer and Page Reference*

35 .... Provides for alternate route to teacher licensure. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Facilities. 341.

36 .... Authorizes regional training programs for the professional development of teachers and administrators to facilitate access to information concerning issues related to suicide among pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 261, 271, 1402, 1461, 1487*, 1622.

37 .... Requires development of recommendations for elimination of obsolete or antiquated statutes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 217, 220, 1368, 1415, 1470*, 1543.

38 .... Makes various changes regarding certain acts relating to terrorism, weapons of mass destruction, biological agents, chemical agents, radioactive agents, toxins and delivery systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Raggio, Amodei, Care, Carlton, Cegavske, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener. 855.

40 .... Prohibits discharge of firearm from structure or vehicle under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 460, 1325, 1356, 1396, 1436*, 1624, 1772.

43 .... Adopts Uniform Child Witness Testimony by Alternative Methods Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 166, 169, 1325, 1357, 1396, 1436*, 1624, 1772.

44 .... Revises provisions governing class-size reduction program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 498, 499.

46 .... Authorizes issuance of general obligation bonds to carry out Environmental Improvement Program in Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources. 1404, 1405, 1624, 1625, 1626, 1711*, 2169, 2228, 2305, 2317, 2339.

48 .... Adopts revision of Uniform Child Custody Jurisdiction and Enforcement Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 118, 120, 1325, 1357, 1396, 1436, 1437*, 1624, 1772.

49 .... Creates Statewide Program for Suicide Prevention within Department of Human Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Facilities. 1404, 1405, 2316, 2321*.

50 .... Revises various provisions pertaining to tobacco and products made from tobacco. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 745, 746, 1457, 1476, 1518*, 1772.

51 .... Extends date by which certain prerequisites must be satisfied for State Board of Finance to issue general obligation bonds to assist in construction of California Immigrant Trail Interpretive Center in Elko County. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 2169, 2170, 2316, 2321, 2322*.

53 .... Increases compensation of elected county officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 1222, 1223.

54 .... Revises provisions relating to collection of delinquent charges for certain services provided by certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 180, 189, 1341, 1383, 1437*, 1543.

55 .... Provides nonjudicial alternative for corporate trustee to buy or sell property, other than real property, from or to itself, affiliate or certain other persons related to trustee or affiliate under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 118, 121, 1624, 1625, 1627, 1712, 1768*, 2145, 2179.

57 .... Revises certain provisions governing program of restitution through work. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 130, 132, 291, 342, 349, 357, 361, 372*, 414.

58 .... Makes various changes relating to hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Raggio. 1326, 1330, 2042, 2043, 2151*, 2167, 2231.

59 .... Revises provisions governing alternative schedules of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads. 498, 499, 1456, 1476, 1518*, 1774, 2011, 2012, 2305, 2441.

62 .... Provides students with print access disabilities in University and Community College System of Nevada with access to electronic versions of instructional materials under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Facilities. 552, 1402, 1461, 1487*, 1622.

63 .... Permits recording of affidavit of death by surviving spouse who holds homestead in community property or who takes community real property by intestate succession. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 140, 145.

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65 .... Allows formation of certain professional corporations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 217, 220, 1293, 1303, 1313*, 1338.

66 .... Revises provisions governing certain agreements for sale of cigarettes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 1273, 1274, 1545, 1579, 1580, 1693, 1734, 2147, 2152*, 2167, 2186*.

68 .... Revises provisions governing terms of members of Commission on Educational Technology and Council to Establish Academic Standards for Public Schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 341, 1368, 1415, 1470*, 1543.

69 .... Revises requirements concerning consignment of vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. O'Connell. 483.

70 .... Makes various changes concerning property exempt from execution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. O'Connell. 140, 145, 1342, 1383, 1437*, 1624, 1772.

71 .... Authorizes original contractors to require subcontractors and other contractors to provide surety bonds to guarantee the payment of certain indebtedness. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 626, 627.

72 .... Authorizes State Forester Firewarden of Division of Forestry of State Department of Conservation and Natural Resources to determine amount of wages paid to certain offenders in conservation camps. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 252, 256, 1281, 1285, 1286, 1457, 1487*, 1488, 1622.

73 .... Makes various changes to provisions governing juries. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 195, 198, 1342, 1386, 1405, 1535, 1604*, 2041.

76 .... Revises provisions governing acquisition of water rights for purposes of watering livestock. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1273, 1274, 1624, 1625, 1628, 1712*, 2145, 2179.

77 .... Requires driver of vehicle entering or exiting controlled-access highway to yield to vehicles traveling on highway. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 166, 169, 347, 357, 361, 372*, 414.

78 .... Makes various changes relating to assistance to finance housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 539, 541, 1403, 1461, 1488*, 1505, 1514, 1515, 1604*, 2145, 2179.

79 .... Reduces number of required meetings of Board of Southern Nevada Regional Planning Coalition. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 180, 189, 1308, 1321, 1335*, 1454.

81 .... Requires Aging Services Division of Department of Human Resources to develop and publish statistics to determine funding priorities for programs for senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Human Resources and Facilities. 1404, 1406.

82 .... Makes various changes concerning public health laws. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Human Resources and Facilities. 483, 1546, 1579, 1581, 1697, 1712*, 2145, 2179.

83 .... Expands circumstances under which registered nurses are authorized to dispense dangerous drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 217, 220, 1473, 1514*, 1772.

84 .... Revises provisions relating to surety bonds and other obligations required of certain facilities that provide care for elderly persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 217, 220, 1272, 1282, 1287, 1312, 1314, 1322, 1335*, 1454.

87 .... Revises provisions pertaining to transaction of judicial business. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 154, 157, 626, 691, 749, 1283, 1287*, 1305.

88 .... Allows district judge to transfer certain civil actions to justice's court under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 154, 157, 626, 691, 749, 1283, 1288, 1296*, 1322.

89 .... Revises provisions governing determination of competency of defendant to stand trial. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 154, 157, 1319, 1331, 1365, 1396, 1437*, 1624, 1772.

90 .... Authorizes certain governmental entities to share certain records in their possession concerning defendants and offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 745, 746, 1342, 1386, 1437, 1536, 1604*, 2041.

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91 .... Removes element of knowledge from crime of selling, giving or furnishing alcoholic beverage to person under 21 years of age. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Judiciary. 483, 484.

93 .... Authorizes State Board of Nursing to allow certain persons to practice nursing in this state without license issued by Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 584, 585.

94 .... Provides for medical treatment in medical facility other than hospital under certain circumstances for certain allegedly mentally ill persons and for medical treatment for certain persons who are under influence of controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Human Resources and Facilities. 539, 541, 1325, 1357, 1403, 1470*, 1471, 1774, 2041.

96 .... Removes certain mobile units from requirement of being regulated as medical facility. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 341, 342, 1272, 1282, 1288, 1297*, 1322.

97 .... Makes various changes concerning actions for malpractice against providers of health care, removes certain restrictions by insurers on providers of health care and makes various other changes concerning providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1273, 1274, 1733, 1738, 1761, 1762, 1764, 1765, 1766, 1771*, 2145, 2152, 2153, 2192, 2444.

99 .... Revises provisions governing special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rawson. 584, 585.

100 .... Makes various changes to provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 1326, 1330, 1624, 1625, 1628, 1712*, 2145, 2179.

102 .... Revises provisions relating to the Public Utilities Commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Townsend. 855, 1623, 1625, 1631, 1712*, 2043, 2168, 2192, 2305, 2309, 2310.

103 .... Extends time county may lease real property of county to corporation for public benefit under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Tiffany, Cegavske, Amodei, Coffin, Hardy, McGinness, Nolan, O'Connell, Rawson, Rhoads, Shaffer, Washington, and Wiener; Assemblymen Beers, Hettrick, Andonov, Hardy, Mabey, Parks, and Weber. 180, 189, 1403, 1461, 1488*, 1622.

105 .... Makes various changes to provisions pertaining to crime of placing graffiti on or otherwise defacing property. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 483, 484, 1369, 1415, 1471, 1488*, 1624, 1772.

106 .... Provides for imposition of certain fees in certain actions and proceedings filed in courts of this state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1830, 1834, 2042, 2043, 2151, 2152*, 2167, 2231.

107 .... Changes limitation on period of time in which county or city may authorize imposition of certain administrative assessments for provision of court facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 166, 169, 1301, 1312, 1322, 1335*, 1454.

110 .... Revises provisions relating to purchase, sale or exchange by county of certain real property and provisions relating to notice that county must provide before selling or exchanging certain real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 483, 484, 1281, 1285, 1297*, 1322.

112 .... Makes various changes to provisions relating to Secretary of State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 483, 484, 1341, 1386, 1649, 1657, 1693, 1694, 1712, 1713*, 2145, 2179.

113 .... Revises manner of valuing certain property that becomes exempt from taxation for purposes of allocating certain tax revenue among taxing agencies and redevelopment agency. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 252, 256, 1272, 1282, 1288, 1296, 1312, 1314, 1322, 1335*, 1454.

114 .... Revises provisions governing manner of determining prevailing rate of wages to be paid on public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1273, 1274.

116 .... Revises provisions relating to use of equipment to secure children traveling in certain motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Nolan and Wiener; Assemblywomen Leslie and Chowning. 539, 541, 1657, 1713*, 2169, 2231.

122 .... Makes various changes regarding malpractice insurance and actions. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Titus and Weiner. 1273, 1274, 1403, 1461, 1488*, 1622.

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123 .... Prohibits public officers and employees from requesting or otherwise causing state and local governments to, under certain circumstances, make expenditures to support or oppose ballot questions or candidates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus; Assemblyman Parks. 745, 746, 1403, 1461, 1488, 1489*, 1622.

124 .... Requires certain corporations to provide certain information at time of filing list of officers and directors and to pay fee under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus. 855, 1369, 1415, 1471, 1489*, 1622.

125 .... Makes various changes relating to utilities and providers of new electric resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1222, 1223, 1473, 1511, 1604, 1605*, 2041, 2214.

126 .... Exempts retail customers who purchase energy from municipal and local governmental utilities from payment of universal energy charge. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 498, 499.

127 .... Makes various changes to provisions governing hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 1273, 1274, 1325, 1589, 1626, 1713*, 2142.

128 .... Allows tenant to recover immediate possession of premises from landlord under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 166, 170, 1281, 1286, 1297*, 1298, 1322.

132 .... Requires licensure of persons engaged in certain activities relating to control of mold. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Coffin. 2222, 2224, 2378, 2382, 2412, 2441*.

133 .... Authorizes Board of Medical Examiners to issue restricted licenses that allow certain psychiatrists to practice medicine at certain mental health centers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1222, 1223, 1293, 1303, 1313*, 1338.

134 .... Repeals prohibition on assignment of right to periodic payments of winnings from gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 459, 460, 1403, 1461, 1489*, 1622.

135 .... Revises provisions governing killing or possessing of certain animals and penalty for violating those provisions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Titus, Rhoads, Carlton, Schneider, McGinness, and Amodei. 552.

136 .... Makes various changes relating to certain penalties and fines imposed by unit-owners' associations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, O'Connell, Cegavske, Townsend, Amodei, Care, Coffin, McGinness, Nolan, Schneider, Shaffer, Tiffany, and Titus. 1222, 1223, 1546, 1547, 1567, 1697, 1713, 1768*, 2043, 2179.

137 .... Establishes Legislative Committee on Persons With Disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Affairs and Operations. 447, 2181, 2182, 2195*, 2222, 2304, 2317, 2379, 2409, 2411.

139 .... Makes various changes to provisions governing certain real estate practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Townsend. 1273, 1274, 1368, 1415, 1471, 1489*, 1622.

140 .... Revises provisions governing acquisition by county or state of municipal obligations issued by certain water authorities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Townsend. 252, 256, 1341, 1386, 1438*, 1543.

141 .... Revises provisions relating to certain investments made by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 483, 484, 1324, 1358, 1396, 1438*, 1543.

143 .... Revises provisions governing public administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 626, 627, 1545, 1547, 1568, 1697, 1713*, 2145, 2153, 2222, 2345, 2346.

144 .... Makes various changes relating to Division of State Parks of State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 1222, 1223, 1457, 1476, 1518, 1543, 1605*, 2145, 2151, 2388, 2389.

145 .... Revises uses of and interests in federal land that board of county commissioners may apply for and accept. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 745, 746, 1341, 1386, 1438*, 1543.

146 .... Revises provisions governing purchasing contracts of local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 353, 356, 1545, 1547, 1569, 1697, 1713*, 1714, 2145, 2179.

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147 .... Makes various changes relating to Commission on Ethics and statements of financial disclosure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1273, 1274, 1623, 1625, 1632, 1714*, 2145, 2166, 2167, 2222, 2345, 2346, 2347.

148 .... Provides for joint requesters on list of requests for preparation of legislative measures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 483, 484, 1368, 1416, 1471, 1489*, 1490, 1622.

149 .... Authorizes Director of Department of Motor Vehicles to enter into agreements with private entities for certain placements of advertisements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider, Carlton, Nolan, Amodei, Care, Coffin, Hardy, Neal, Shaffer, Titus, and Washington; Assemblymen Knecht, Beers, Atkinson, Collins, Giunchigliani, Goicoechea, Goldwater, Koivisto, Manendo, McClain, Parks, Pierce, and Weber. 552.

150 .... Authorizes school district to sell or lease certain real property for less than appraised value under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 341, 342, 1368, 1416, 1471, 1490*.

159 .... Deletes authority of Western Interstate Commission for Higher Education to adopt certain regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rawson. 341, 342, 1368, 1416, 1471, 1490*.

162 .... Makes various changes regarding fees charged and collected by county clerks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 217, 220.

163 .... Revises provisions governing certain contracts with providers of health care. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. O'Connell and Townsend. 626, 627.

164 .... Creates the Office of Disability Services within Department of Human Resources to coordinate and administer certain services and programs for persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Human Resources and Facilities. 1273, 1274, 2144, 2147, 2184*, 2231.

168 .... Revises provisions governing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 626, 627, 1508, 1551, 1697, 1706, 1710, 1728*, 2145, 2179.

169 .... Revises certain fees related to licensure of hearing aid specialists. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 353, 356.

170 .... Exempts contracts for public works for school facilities in certain counties from prevailing wage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. O'Connell, Rhoads, and McGinness. 483, 484.

172 .... Makes various changes concerning control of pests and plant diseases. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Natural Resources. 552, 553, 1294, 1303, 1312, 1322, 1336*, 1454.

173 .... Exempts certain licensing boards from State Budget Act and certain provisions governing financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 418, 420, 1281, 1286, 2144, 2152*, 2167, 2231.

174 .... Makes various changes concerning powers and duties of Commission on Economic Development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 252, 256, 1281, 1286, 1298, 1727, 1769*, 2142.

175 .... Makes various changes with respect to security of State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1273, 1274, 1546, 1547, 1572.

176 .... Makes various changes regarding planning and zoning. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Government Affairs. 584, 585, 1457, 1478, 1518*, 1519, 2145, 2179.

179 .... Makes various changes related to mental health. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 584, 585, 1356, 1386, 1588, 1595, 1697, 1714*, 2145, 2179.

181 .... Revises provisions relating to amendment of redevelopment plans. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Care. 509, 510, 1506, 1511, 1605*, 2145, 2179.

183 .... Requires certain policies of health insurance and health care plans to provide coverage for colorectal cancer screening under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mathews; Assemblywoman Gibbons. 745, 746, 1324, 1358, 1396, 1438, 1470*, 1774, 2041.

184 .... Revises certain provisions governing occupational diseases contracted by certain local police officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Mathews. 2316, 2317, 2379, 2386*.

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186 .... Imposes fee upon obligor of child support who is subject to withholding of income by his employer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 353, 356, 1369, 1416, 1471, 1490*, 1624, 1772.

188 .... Makes various changes concerning access to health care services for persons in this state. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Human Resources and Facilities. 2305, 2306.

191 .... Makes various changes governing education to facilitate implementation of federal No Child Left Behind Act of 2001. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 1546, 1549.

192 .... Makes various changes to provisions governing certain motor carriers and drivers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Transportation. 584, 585, 1698, 1714, 1768*, 1769.

193 .... Revises provisions relating to coverage of industrial insurance for certain employees and compensation for permanent total disability for certain claimants and dependents of claimants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 1273, 1275, 1508, 1551, 1697, 1714*, 2043, 2139, 2169, 2305, 2307, 2309.

195 .... Expands exemption from requirements concerning payment of prevailing wage for certain contracts for public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 483, 484.

196 .... Enacts Uniform Prudent Investor Act and Uniform Principal and Income Act (1997). Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 353, 356, 1623, 1625, 1639, 1714*, 2145, 2179.

197 .... Repeals, reenacts, reorganizes and revises certain provisions relating to juvenile justice. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 460, 1342, 1386, 1438*, 1624, 1772.

198 .... Clarifies provision governing advances to budget accounts supported by administrative assessments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 418, 420, 626, 1370, 1416, 1471, 1490*.

199 .... Makes various changes concerning the sale, disposition, manufacture and possession of weapons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. McGinness. 509, 510, 1342, 1387, 1438, 1439, 1506, 1519*, 1774, 2041.

200 .... Authorizes grants to pay certain costs associated with connections to community sewage disposal system. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Washington, Care, Amodei, and McGinness; Assemblymen Marvel, Carpenter, and Grady. 418, 420, 1324, 2316, 2321*.

201 .... Revises limitations on amount of fees that State Emergency Response Commission may impose for certain services of Commission or activities relating to extremely hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1222, 1223, 1294, 1303, 1304, 1370, 1439*, 1543.

202 .... Provides for issuance of special license plates for support of conservation of wetlands. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Raggio, Rawson, Schneider, Care, Hardy, McGinness, Nolan, Rhoads, Shaffer, Washington, and Wiener; Assemblymen Griffin, Hettrick, and Perkins. 498, 499.

203 .... Enacts provisions concerning separation and adjudication of certain small claims actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 278, 287.

204 .... Makes various changes concerning disclosure of certain information to purchasers, lessees and tenants of real property, manufactured homes, mobile homes and commercial coaches. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 498, 499, 1325, 1361, 1396, 1439*, 1774, 2041.

205 .... Prohibits impairment of minor by use of alcoholic beverage. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 405, 406.

206 .... Makes various changes to provisions relating to mechanics' and materialmen's liens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 584, 585, 1369, 1416, 1471, 1490, 1491*, 1625, 1649, 1830, 2169, 2174, 2175, 2310.

207 .... Makes various changes concerning wills and estates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 498, 499, 1342, 1388, 1439, 1440*, 1625, 1649, 1830, 2169, 2177, 2178, 2310.

209 .... Makes appropriation to Retired Justice Duty Fund for salaries for senior judges to increase coverage in Second and Eighth Judicial Districts and for emergency requests in smaller counties of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 2043.

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210 .... Revises provisions governing regional training programs for professional development of teachers and administrators. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 2222, 2224, 2353, 2360, 2385, 2386*, 2444.

213 .... Authorizes Department of Motor Vehicles to establish pilot program pursuant to which period of registration for certain motor vehicles is expanded. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 291, 321.

214 .... Revises provisions concerning enforcement of requirement of registration of motor vehicle by new resident of this state. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Transportation. 2169, 2170.

216 .... Creates interim legislative committee to review Tahoe Regional Planning Compact and oversee Tahoe Regional Planning Agency and Marlette Lake Water System and expands duties of Legislative Committee on Public Lands. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Affairs and Operations. 1404, 1406, 2233, 2234, 2320*, 2388.

218 .... Revises certain provisions relating to program that provides public with access to certain information in statewide registry concerning certain sex offenders and offenders convicted of crime against child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rawson and Cegavske. 745, 746.

221 .... Prohibits lobbyist from misrepresenting authorization from Legislator to request certain services from employee of Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Nolan, Rawson, Care, Cegavske, and Shaffer; Assemblymen Gibbons, Mabey, and Manendo. 483, 484, 1403, 1462, 1492, 1519, 2214, 2238*, 2352.

224 .... Allows designation of attendant in all civil and certain criminal proceedings involving victim of act of domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus, Carlton, Wiener, and Mathews. 447, 1308, 1321, 1336*, 1454.

229 .... Makes various changes regarding public bodies. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. O'Connell and Titus. 1273, 1275, 1656, 1657, 1658, 1715*, 2169, 2179, 2223, 2317, 2373, 2375, 2388, 2444.

230 .... Makes various changes regarding transportation of pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Finance. 2138.

231 .... Revises provisions concerning service animals. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Townsend and Titus; Assemblyman Arberry. 353, 356, 1369, 1417, 1471, 1491, 1519, 1588, 1608, 1697, 1715*, 2145, 2151, 2193, 2317, 2336.

232 .... Makes various changes pertaining to duties and authority of State Board of Parole Commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 353, 357, 1282, 1286, 1298*, 1322.

233 .... Increases amount of general obligation bonds that State Board of Finance may issue to provide grants to certain water systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 418, 421, 2316, 2321*.

234 .... Requires Department of Education to conduct study of administrative due process hearings pursuant to Individuals with Disabilities Education Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Facilities. 855, 856.

235 .... Revises provisions governing payment of hospitals for treating disproportionate share of Medicaid patients, indigent patients or other low-income patients. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Facilities. 2222, 2224.

236 .... Revises provisions relating to location of halfway houses for recovering alcohol and drug abusers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus; Assemblywoman Giunchigliani. 509, 510.

237 .... Carries out certain advisory questions relating to funding for regional transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Raggio and Titus; Assemblymen Perkins and Hettrick. 1222, 1223, 1325, 1363, 1396, 1440*, 1547.

240 .... Revises various provisions relating to benefits payable to surviving spouses and children of certain police officers and firemen. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Townsend. 745, 746, 1324, 1364, 1396, 1440, 1471, 1492, 1513, 1588, 1608, 1697, 1715, 1769*, 2142.

241 .... Makes various changes concerning constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 855, 856, 1657, 1666, 1715*, 2043, 2179.

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243 .... Makes appropriations from State General Fund to Fund to Stabilize the Operation of State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2305, 2306, 2353, 2366*.

246 .... Makes supplemental appropriation to Supreme Court of Nevada for unanticipated shortfall in money for Fiscal Year 2002-2003 resulting from deficit in collection of administrative assessments. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 626, 628, 1589, 1626, 1715*, 2142.

247 .... Makes appropriations to restore balances in Stale Claims Account, Emergency Account and Reserve for Statutory Contingency Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1371, 1380, 1589, 1626, 1716*, 2142.

248 .... Revises provisions relating to alcohol and drug abuse counselors. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Commerce and Labor. 1273, 1275, 1473, 1514*, 1772.

249 .... Creates Nevada Commission on Minority Affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Raggio, Townsend, Rawson, Washington, Shaffer, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, Rhoads, Schneider, Tiffany, Titus, and Wiener. 483, 484, 1508, 1552, 1553, 2444, 2445, 2446*.

250 .... Revises various provisions relating to regulated businesses and professions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Townsend and O'Connell. 2305, 2306, 2353, 2360, 2385, 2386*, 2444.

252 .... Makes various changes concerning charter schools and distance education programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Facilities. 2138, 2139.

253 .... Revises provisions governing school attendance required to obtain credit or to be promoted to next higher grade. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cegavske; Assemblywoman Giunchigliani. 483, 485, 1456, 1479, 1519*, 1774, 2041.

254 .... Authorizes parents of certain pupils to choose which public school pupils will attend. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cegavske, O'Connell, Washington, Hardy, Amodei, McGinness, Nolan, and Tiffany; Assemblymen Knecht, Gustavson, Beers, Christensen, Geddes, Gibbons, Goicoechea, Hardy, Hettrick, Mabey, Marvel, and Sherer. 483, 485.

255 .... Requires establishment of registry of certain telephone numbers and prohibits telephone solicitors from making unsolicited telephone calls to telephone numbers included in registry under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Townsend, Care, O'Connell, Cegavske, Coffin, Hardy, Mathews, McGinness, Nolan, Raggio, Rawson, Schneider, Shaffer, Tiffany, Washington, and Wiener. 745, 746, 1368, 1419, 1471, 1492, 1519*.

256 .... Makes various changes concerning drivers' licenses issued to persons under 18 years of age. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Cegavske, Amodei, O'Connell, Care, Nolan, Coffin, Hardy, Mathews, McGinness, Neal, Raggio, Rawson, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Hettrick, Gibbons, Williams, Knecht, Brown, Andonov, Angle, Beers, Christensen, Claborn, Collins, Giunchigliani, Griffin, Mabey, Manendo, Marvel, Mortenson, Sherer, and Weber. 1222, 1223.

258 .... Makes appropriations to University of Nevada, Reno, for expenses of Pediatric Diabetes and Endocrinology Center at School of Medicine and to Health Division of Department of Human Resources for certain HIV/AIDS services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Human Resources and Facilities. 1830, 1834, 2233, 2237, 2320, 2366*, 2379, 2388, 2444.

262 .... Requires certain abstracts of votes to be posted on certain websites or transmitted to certain public libraries. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Neal, Titus, Care, Carlton, Coffin, Mathews, Schneider, and Wiener. 584, 585, 1545, 1579, 1583, 1697, 1716*, 2145, 2179.

263 .... Makes supplemental appropriation to State Department of Agriculture for unanticipated shortfall in money for Fiscal Year 2002-2003 resulting from unexpected increase in expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 1546, 1550, 2144, 2147, 2185*, 2231.

264 .... Makes various changes to provisions pertaining to Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Tiffany, Care, Neal, and Nolan. 1273, 1275, 1509, 1553, 2181, 2183, 2194, 2195*, 2222, 2310.

266 .... Revises various provisions pertaining to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 498, 500, 1325, 1364, 1396, 1440, 1471, 1492, 1520*, 1772.

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269 .... Provides that change of 20 percent or more in gross monthly income of person who is ordered to pay alimony or who is subject to order for support of child shall be deemed to constitute changed circumstances requiring review for modification of payments of alimony or order for support of child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 498, 500, 1308, 1321, 1336*, 1454.

273 .... Enacts provisions relating to inspections and claims for constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 1222, 1223.

276 .... Makes various changes to provisions relating to California-Nevada Super Speed Ground Transportation Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus. 498, 500, 1281, 1286, 1296, 1457, 1492, 1520*, 1772.

277 .... Requires using agencies to purchase prescription drugs, pharmaceutical services, or medical supplies and related services only through Purchasing Division of Department of Administration under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener, O'Connell, Titus, Hardy, Care, Raggio, Tiffany, and Townsend. 509, 510, 1308, 1322, 1336*, 1454.

280 .... Revises provisions governing awarding of state purchasing contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Tiffany. 584, 585, 1341, 1389, 1439, 1606, 1608, 1697, 1716, 1769*, 2142.

281 .... Revises provisions relating to osteopathic physicians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Shaffer. By request. 552, 553, 1473, 1514*, 1772, 2364.

283 .... Revises requirements for issuance of limited license to practice dentistry or dental hygiene. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 498, 500, 1473, 1514*, 1772.

286 .... Provides for supervision of certain juvenile sex offenders placed in treatment programs in this state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 459, 460, 1272, 1282, 1288, 1298*, 1322.

287 .... Establishes Arthritis Prevention and Control Program to increase public awareness of and educate persons on matters relating to arthritis. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener, Rawson, Neal, Cegavske, Mathews, Nolan, and Washington. 483, 485, 1324, 1364, 1376, 1435, 1471, 1492, 1520*, 1774, 2041.

288 .... Increases fees for compensable trips of taxicabs and driver's permit to operate taxicab. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 552, 553, 1342, 1389, 1440, 1471, 1492, 1513, 1588, 1608, 1697, 1716*, 2142.

289 .... Directs Legislative Committee on Health Care to study current challenges of ensuring that adequate health care is available to all residents of Nevada, now and in future. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Neal. 1509, 1510, 2144, 2147, 2185*, 2231.

292 .... Directs Legislative Commission to appoint committee to study impact of Nevada's industrial insurance program on injured workers, employers and insurers and authorizes Commissioner of Insurance to conduct study to review pricing mechanisms for medical professional liability insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Schneider. 2222, 2224, 2383, 2412, 2441*, 2442, 2444.

297 .... Makes various changes relating to personal identifying information. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Wiener, Amodei, Titus, Care, McGinness, Nolan, and Washington. 498, 500, 1342, 1389, 1440, 1471, 1492, 1520*, 1774, 2041.

298 .... Makes various changes to provisions pertaining to business. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 745, 747.

299 .... Prohibits prisoners from manufacturing or possessing certain tools or items adapted, designed or commonly used for purpose of escaping or attempting to escape from custody. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 584, 585, 1369, 1428, 1471, 1492, 1520*, 1521, 1772.

300 .... Makes various changes concerning technological crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 539, 541, 1272, 1282, 1288, 1299*, 1322.

301 .... Creates Nevada Mental Health Plan Implementation Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Townsend. 626, 628, 1293, 2379, 2386*.

303 .... Makes various changes concerning dissemination of records of criminal history by Central Repository for Nevada Records of Criminal History. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Nolan. 745, 747.

306 .... Temporarily revises provisions governing educational benefits provided to members of Nevada National Guard. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 1222, 1223, 1508, 1553, 1554, 2412, 2423, 2443*.

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307 .... Requires posting of warnings in certain food establishments regarding risk of drinking alcoholic beverages during pregnancy and merges Advisory Subcommittee on Fetal Alcohol Syndrome into Advisory Board on Maternal and Child Health. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener, Rawson, Cegavske, Mathews, Neal, Nolan, and Washington. 690, 1403, 1462, 1492, 1521*, 1774, 2041.

309 .... Makes various changes concerning support for participatory democracy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness and Titus. 584, 586, 588, 1545, 1579, 1583, 1697, 1715, 1769*, 2145, 2179.

310 .... Makes various changes relating to certain occupational boards and commissions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Carlton. 1273, 1275, 1368, 1428, 1471, 1492, 1521*, 1772.

312 .... Authorizes state and local governmental entities to accept consular identification card for purpose of identifying person under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carlton, Neal, Titus, Care, Raggio, O'Connell, Townsend, and Hardy; Assemblymen Ohrenschall, Giunchigliani, Chowning, and McCleary. By request. 745, 747, 1546, 1547, 1572, 1697, 1716*, 2145, 2179.

313 .... Clarifies provisions governing administration of sales and use taxes on sales and leases of motor vehicles to governmental entities. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Raggio. 1222, 1224, 1457, 1479, 1521*, 1772.

314 .... Requires Department of Taxation to collect and report data concerning electronic commerce that is conducted in this state. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Raggio. 1371, 1380, 1457, 1480, 1491, 2209, 2210*, 2310.

315 .... Provides that cigarette vending machines may be placed in public area only if persons who are under 21 years of age are prohibited from loitering in that area pursuant to certain statutes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 498, 500, 1342, 1389, 1440, 1471, 1492, 1521*, 1772.

316 .... Revises provisions pertaining to issuance of search warrants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 745, 747.

317 .... Makes various changes relating to incarcerated persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Wiener and Amodei; Assemblywoman Leslie. 855, 856, 1342, 1389, 1402, 1471, 1492, 1522*, 1774, 2041.

319 .... Makes various changes to provisions regulating insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Shaffer. 1273, 1275, 1545, 1626, 1706, 1707, 1733, 1766, 1767, 1771*, 2145, 2167, 2193, 2345, 2347, 2351.

320 .... Makes various changes to provisions governing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Shaffer. By request. 1273, 1275, 1522, 1554, 1693, 1696, 1717*, 2043, 2179.

322 .... Revises provisions relating to self-insurance for taxicabs regulated by Taxicab Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Shaffer. By request. 584, 586, 1342, 1390, 1440, 1471, 1492, 1523*, 1772.

323 .... Revises provisions governing funeral directors, embalmers and operators of cemeteries and crematories. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Shaffer. 1273, 1275, 1473, 1510, 1511, 1513, 1605*, 2041.

324 .... Makes various changes concerning Veterans' Home Account and Gift Account for Veterans' Home. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Shaffer. 1546, 1550, 2144, 2147, 2185*, 2231.

327 .... Provides for reuse of certain prescription drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener, Rawson, Washington, Titus, Amodei, Care, Mathews, and McGinness. 498, 500, 1457, 1480, 1523*, 1774, 2041.

328 .... Provides for the establishment of regional development districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 483, 485, 1546, 1547, 1575, 1697, 1717*, 2145, 2179.

329 .... Makes various changes relating to administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 509, 510, 1508, 1560, 1697, 1717*, 2145, 2179.

331 .... Makes various changes to employment practices governing state personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Amodei. 1222, 1224, 1623, 1625, 1641, 1717*, 1718, 2145, 2179.

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332.... Revises qualifications of State Health Officer, clarifies restrictions on use of "M.D." title and makes various changes relating to licensure of physicians and Board of Medical Examiners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 1273, 1275, 1369, 1370, 1395, 1545, 1547, 1597, 1697, 1718*, 2145, 2179.

334.... Authorizes metropolitan police committees on fiscal affairs to submit to voters question of imposition of additional ad valorem tax for support of metropolitan police department. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 498, 500, 626, 691, 841, 1297, 1299*, 1322.

336.... Makes various changes relating to water rights and creates Lincoln County Water District. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hardy. 1273, 1275, 1624, 1625, 1642, 1718*, 2169, 2172, 2173, 2193, 2305, 2339, 2345.

337.... Revises certain provisions relating to dispensing or distributing drugs via the Internet. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Wiener, Rawson, Washington, Titus, Amodei, Care, Mathews, and McGinness. 498, 500, 1308, 1322, 1337*, 1454.

339.... Makes various changes relating to use of tobacco products. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Cegavske. 745, 747.

340.... Provides in skeleton form for scholarships to pupils with disabilities who attend private schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Cegavske. 2192, 2194.

342.... Prohibits false or fraudulent complaints against public officer or employee. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, Nolan, Amodei, and Shaffer. 1222, 1224.

345.... Provides direction to Public Employees' Retirement System regarding payment of certain benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Nolan and Hardy. 626, 628, 1623, 1625, 1644, 1717*, 2145, 2179.

350.... Authorizes dentist who holds a medical degree to identify himself by that degree under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rawson. 498, 500, 1293, 1303, 1313*, 1338.

351.... Requires certification for persons who counsel problem gamblers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Human Resources and Facilities. 1273, 1276, 1403, 1463, 1492, 1513, 1588, 1608, 1697, 1726, 1769*, 2142.

352.... Designates Nevada Cancer Institute as official cancer institute of State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Rawson. 1830, 1834, 2209, 2238*, 2352.

353.... Clarifies requirements for determining whether charitable organization qualifies for exemption from taxes on retail sales. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Rawson. 483, 485, 626, 691, 742, 1526, 1542, 1605*, 2041.

354.... Requires certain subdividers of land to dedicate easements to certain public utilities and franchised community antenna television companies under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 1273, 1276, 1623, 1625, 1644, 1726*, 2145, 2179.

355.... Makes various changes concerning franchises for vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Transportation. 584, 586, 1370, 1405, 1522, 1561, 1693, 1734, 2424, 2442*.

356.... Revises penalty for certain violations concerning vehicles with loads on highways. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Transportation. 1222, 1224, 1624, 1625, 1646, 1709, 1732, 1733.

358.... Provides for certain protections relating to certain lands adjacent to Red Rock Canyon National Conservation Area. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Titus, Wiener, Care, Schneider, and Coffin. 745, 747, 1369, 1428, 1469*, 1543.

359.... Revises provisions relating to freedom to display flag of United States. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus, Wiener, Schneider, Care, and Mathews; Assemblymen Griffin, Hettrick, and Ohrenschall. 1222, 1224, 1324, 1364, 1396, 1440, 1464, 1492, 1523*, 2145, 2153, 2223, 2317, 2327.

362.... Requires Las Vegas Monorail Company to provide certain documents to Legislative Commission and authorizes Legislative Auditor to conduct audit under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus and Care. 1273, 1276, 1456, 1480, 1523*, 1772.

363.... Exempts electric personal assistive mobility devices from regulation as motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus. 584, 586, 1319, 1332, 1365, 1396, 1440, 1471, 1492, 1523, 1524*, 1772.

365.... Names Legislative Building after former Senator Lawrence E. Jacobsen. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Townsend and Raggio. 584, 586.

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368 .... Provides for reimbursement of Legislators for certain travel expenses incurred during legislative interim. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Rhoads. 2192, 2194.

370 .... Authorizes board of county commissioners of certain counties to impose additional tax on transfer of real property for control of invasive species and certain endemic pests and weeds and creates account for rebate of governmental services tax to senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads. 1273, 1276, 1492, 1511, 1596, 1734, 1735, 1766, 1770, 1771*, 2145, 2154, 2379, 2424, 2434.

371 .... Creates Constructional Defect Commission and revises various provisions governing actions resulting from constructional defects. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Schneider. 1371, 1380.

372 .... Revises provisions relating to cosmetology. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Schneider. 1273, 1276, 1545, 1579, 1584, 1697, 1726*, 2043, 2139, 2169, 2223, 2228, 2447.

373 .... Revises certain provisions governing importation of liquor by common or contract carrier. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 1273, 1276, 1369, 1428, 1471, 1492, 1524*, 1772.

378 .... Revises provisions relating to cancellation or nonrenewal of policy of insurance issued to common-interest community. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 552, 553, 1319, 1332, 1365, 1397, 1440, 1471, 1492, 1524*, 1772.

381 .... Authorizes pilot program to allow state agencies to retain certain cost savings. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Rhoads. 2169, 2170.

383 .... Revises provisions governing mandatory reporting of abuse or neglect of children. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Shaffer. 745, 747, 1342, 1390, 1440, 1471, 1492, 1524*, 1525, 1772.

384 .... Requires Department of Motor Vehicles to establish pilot program to contract with persons to provide certain services otherwise required to be provided by Department. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Shaffer. By request. 745, 747.

386 .... Revises provisions concerning visitation rights of patients of certain health care facilities and disposition of body of person upon death. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 745, 747, 1546, 1547, 1575, 1697, 1726*, 2145, 2179.

387 .... Revises provisions relating to drugs and prescriptions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus. 1273, 1276, 1368, 1428, 1471, 1492, 1525*, 1772.

390 .... Revises provisions governing membership of Commission on Professional Standards in Education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cegavske. 745, 747, 1462, 1474, 1595, 1648.

394 .... Revises various provisions relating to certain criminal statutes. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Judiciary. 509, 510, 1369, 1428, 1471, 1492, 1525*, 1774, 2041.

395 .... Revises provisions governing court reporters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 745, 748, 1293, 1304, 1313, 1314*, 1338.

396 .... Makes supplemental appropriation to Health Division of Department of Human Resources for unanticipated shortfall in money for Fiscal Year 2002-2003 resulting from increased cost of maintenance of effort requirement for Substance Abuse and Treatment Block Grant. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 459, 460, 1325, 1364, 1397, 1440, 1471, 1492, 1525*, 1772.

397 .... Revises various provisions governing sex offenders and offenders convicted of crime against child. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Judiciary. 552, 553, 1294, 1304, 1314, 1322, 1337*, 1454.

400 .... Makes various changes relating to telecommunication service and broadband service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1222, 1224, 1473, 2323, 2324, 2387*, 2444.

401 .... Revises provisions concerning disposition of money received from concessions on property within state park or property controlled or administered by Division of State Parks of State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 626, 628, 1308, 1322, 1457, 1492, 1525*, 1772.

405 .... Allows certain owners of fleets of motor vehicles to apply for participation in program allowing electronic submission and storage of certain documents relating to registration and ownership of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 498, 501, 1342, 1390, 1440, 1471, 1492, 1525, 1526*, 1772.

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406 .... Directs Legislative Commission to consider creating document to be used by governmental agencies in determining whether to procure goods and services from public or private sources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Affairs and Operations. 1325, 1330.

407 .... Makes supplemental appropriation to Western Interstate Commission for Higher Education for unanticipated shortfall in money for Fiscal Year 2002-2003 resulting from reclassification of position. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1308, 1312, 1457, 1480, 1526*, 2043, 2179.

408 .... Makes supplemental appropriation to Division of Mental Health and Developmental Services of Department of Human Resources for unanticipated shortfall in Fiscal Year 2002-2003 for shortfall in revenue collections and expenditures relating to psychiatric services at rural clinics. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1222, 1224, 1325, 1364, 1397, 1440, 1471, 1492, 1526*, 1772.

409 .... Authorizes justices of the peace and municipal judges to participate in Judicial Retirement Plan under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Finance. 1371, 1381.

410 .... Makes supplemental appropriation to Department of Motor Vehicles for unanticipated shortfall in money for Fiscal Year 2002-2003 resulting from certain increased costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 1320, 1404, 1463, 1492, 1526*, 1772.

411 .... Revises certain provisions relating to qualifications and appointment of State Health Officer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1273, 1276.

412 .... Authorizes State Board of Health to allow or require payment of fees for licensing medical and other related facilities in installments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 584, 586, 1293, 1304, 1314, 1322, 1337*, 1454.

413 .... Makes various changes concerning securities issued by the University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1404, 1406, 1589, 1626, 1726*, 2142.

415 .... Removes certain restrictions on use of money in Estate Tax Account in Endowment Fund of University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 626, 628, 1829, 1839, 2063*, 2064, 2192, 2231.

416 .... Authorizes issuance of bonds and other securities for completion of Fish Hatchery Refurbishment Project. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1371, 1381, 1624, 1706, 1775, 1841*, 2179.

417 .... Creates Election Fund to receive money pursuant to Help America Vote Act of 2002. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 498, 501, 587, 628, 742, 842*, 1273, 1278.

420 .... Makes various changes relating to wildlife. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Finance. 1774, 1775, 2205, 2209, 2225, 2227*, 2316, 2447.

422 .... Revises certain provisions relating to operation of service stations by refiners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 584, 586, 1473, 1514*, 1772.

423 .... Makes various changes relating to unemployment compensation benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 584, 586, 1508, 1562, 1697, 1726, 1727*, 2043, 2179.

424 .... Revises provisions relating to composition of membership of redevelopment agency. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1222, 1224, 1341, 1390, 1440, 1471, 1492, 1542, 1606*, 2041.

425 .... Makes various changes relating to pharmacy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1273, 1276, 1508, 1563, 1693, 1694, 1716, 1729, 1733, 1770*, 2043, 2179.

426 .... Provides for standards and procedures for approval of applications for construction of facilities for personal wireless communications. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1273, 1276, 1623, 1625, 1646, 1727*, 2043, 2179.

427 .... Makes various changes relating to veterinarians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 745, 748, 1473, 1514*, 1772.

428 .... Makes various changes regarding certain state agencies that regulate real estate practices and professions. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 1273, 1277, 1473, 1511, 1513, 1606*, 2041.

No. *Summary, Introducer and Page Reference*

429.... Makes various changes relating to community antenna television systems and video programming services. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 1273, 1277, 1473, 1514*, 1772.

432.... Makes various changes pertaining to regulation of gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1222, 1224, 1342, 1390, 1440, 1471, 1492, 1542, 1606*, 2043, 2057, 2169, 2444.

433.... Revises provisions governing admissibility of certain evidence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 552, 553.

434.... Exempts from execution by creditors certain money held in trust forming part of qualified tuition program under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1222, 1224, 1342, 1393, 1440, 1471, 1492, 1542, 1606*, 2041.

435.... Requires leave of district court to be obtained before filing of certain subsequent postconviction petitions for writ of habeas corpus. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 584, 586.

436.... Makes various changes to provisions pertaining to business. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1222, 1225, 1657, 1685, 1727*, 2145, 2153, 2193, 2305, 2434, 2440.

437.... Makes various changes relating to contractors and projects involving residential pools and spas. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Commerce and Labor. 552, 553, 1473, 1514*, 1772.

439.... Makes various changes concerning Public Employees' Retirement System and Judicial Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 584, 586, 1324, 1364, 1371, 1473, 1534, 1607*, 2043, 2179.

440.... Provides for postponement of payment of property taxes in cases of severe economic hardship under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Government Affairs. 1273, 1277, 1492, 1512, 1607*, 1830, 2142.

444.... Authorizes transfer of certain real property owned by State of Nevada to City of Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 1222, 1225, 1623, 1625, 1648, 1727*, 2145, 2179.

445.... Revises provisions governing grants of money from Fund for the Promotion of Tourism by Committee for the Development of Projects Relating to Tourism. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1222, 1225.

446.... Authorizes State Treasurer to appoint and employ two Senior Deputies in unclassified service of State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1222, 1225, 1369, 1370, 2316, 2322*.

447.... Makes various changes relating to governmental financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 1273, 1277, 1547, 1546, 1577, 2353, 2366, 2385, 2386, 2424, 2442*.

448.... Revises authority of State Treasurer to invest money held in certain trust funds and to administer proceeds from certain settlement agreements and civil litigation between State of Nevada and tobacco companies and revises qualifications for millennium scholarships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1273, 1277.

449.... Makes various changes to provisions governing advisory questions appearing on ballot. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1273, 1277, 1545, 1579, 1588, 1697, 1727, 1728*, 2145, 2154, 2310.

450.... Makes various changes to provisions governing Nevada Equal Rights Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 745, 748, 1341, 1393, 1440, 1471, 1492, 1542, 1607*, 2041.

451.... Revises provisions regarding format of certain documents filed in office of county recorder. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1222, 1225, 1546, 1547, 1579, 1697, 1728*, 2145, 2154, 2223, 2317, 2337.

452.... Revises provisions governing enterprise funds for building permit fees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1222, 1225, 1341, 1382, 1579, 1594, 1697, 1728*, 2145, 2179.

453.... Makes various changes concerning elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Government Affairs. 1273, 1277, 1545, 1579, 1589, 1697, 1728*, 2145, 2179.

456.... Revises various provisions of Uniform Athletes' Agents Act. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Human Resources and Facilities. 626, 628, 1402, 1463, 1492, 1524, 2144, 2152*, 2167, 2231.

No. *Summary, Introducer and Page Reference*

457 .... Prohibits use of false or misleading educational credentials. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Human Resources and Facilities. 1371, 1381.

458 .... Makes various changes to provisions governing State Fire Marshal and fire prevention. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Human Resources and Facilities. 855, 856.

459 .... Revises amount of limit on income of senior citizens to qualify for subsidy for prescription drugs or pharmaceutical services from money in Fund for a Healthy Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 584, 587, 1508, 1563, 1697, 1729*, 2145, 2154, 2310.

460 .... Revises provisions governing licensed employees of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Facilities. 1273, 1277, 1462, 1481, 1513, 1693, 1727, 1770*, 2316, 2447.

464 .... Revises provisions relating to vessels. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Taxation. 2192, 2194, 2222, 2225, 2238*, 2352.

465 .... Makes certain changes concerning calculation of amount of basic governmental services tax distributed to county school district. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Taxation. 539, 541, 1342, 1393, 1440, 1471, 1492, 1542, 1607*, 2041.

466 .... Authorizes disclosure of certain information from records and files of Department of Taxation concerning administration of business tax. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 626, 628, 1369, 1429, 1471, 1492, 1542, 1607*, 2041.

467 .... Authorizes special district to pledge revenue received from supplemental city-county relief tax for payment of certain bonds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 539, 541, 1342, 1393, 1440, 1471, 1492, 1542, 1607, 1608*, 2041.

469 .... Revises formula for distribution of certain revenues among local governments. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Taxation. 539, 541, 1342, 1393, 1440, 1471, 1492, 1542, 1608*, 1830, 2142.

470 .... Makes various changes concerning imposition, distribution and use of certain taxes on aviation fuel and fuel for jet or turbine-powered aircraft. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Taxation. 539, 541, 1342, 1394, 1440, 1471, 1492, 1542, 1608, 1697, 1729*, 2145, 2179.

471 .... Revises provisions relating to certain taxes and fees regarding petroleum products and fuels for motor vehicles and aircraft. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on Taxation. 1222, 1225, 1403, 1463, 1492, 1542, 1608, 1693, 1734, 2424, 2442*, 2443.

473 .... Makes various changes to provisions governing abatement of taxes for new or expanded businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 1273, 1277, 1492, 1512, 1605, 2181, 2183, 2184, 2194, 2196*, 2222, 2310.

475 .... Revises manner of assessing value of certain electric light and power companies. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Taxation. 498, 501, 1403, 1463, 1492, 1542, 1608, 1697, 1729*, 1730, 2145, 2179.

476 .... Makes various changes relating to regulation of taxicabs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 552, 553, 1403, 1463, 1492, 1542, 1608, 1697, 1730*, 2142.

478 .... Authorizes Department of Public Safety to adopt certain regulations relating to motor carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 584, 587, 1342, 1395, 1440, 1471, 1492, 1542, 1608, 1697, 1730*, 2142.

479 .... Prohibits Department of Motor Vehicles under certain circumstances from renewing registration of motor vehicle if court has filed notice of nonpayment of certain outstanding criminal fines and fees with Department. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 584, 587.

481 .... Establishes provisions relating to maximum load weights per tire and minimum number of tires per axle for vehicles allowed to operate on public highways of this state. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Transportation. 584, 587, 1342, 1395, 1440, 1471, 1492, 1542, 1608, 1697, 1730*, 2142.

482 .... Provides that certain leases of motor vehicles or trailers do not constitute sales or create security interests under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 626, 628, 1342, 1395, 1440, 1471, 1492, 1542, 1608, 1697, 1730*, 1731, 2142.

483 .... Revises provisions regarding identification cards, drivers' licenses and driving privileges. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 1273, 1277, 1457, 1481, 1527, 1533, 1534*, 1772.

No. *Summary, Introducer and Page Reference*

484 .... Makes various changes concerning provisions relating to Garlic and Onion Growers' Advisory Board and certain assessments levied upon growers of garlic or onions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 690, 1294, 1304, 1314, 1322, 1338*, 1454.

485 .... Makes various changes to provisions governing weights and measures. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Natural Resources. 1273, 1278, 1369, 1429, 1471, 1492, 1542, 1608, 1697, 1731*, 2145, 2179.

486 .... Makes various changes regarding livestock and other animals. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Natural Resources. 1222, 1225, 1369, 1430, 1471, 1492, 1542, 1608, 1697, 1731*, 2145, 2179.

487 .... Authorizes certain smaller counties to enter into certain agreements relating to acquisition, development and distribution of water resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1222, 1225.

489 .... Makes various changes to provisions governing exemption from local school support tax for systems that use renewable energy to generate electricity. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Natural Resources. 1273, 1278, 1492, 1513, 1608, 1697, 1731*, 2145, 2179.

490 .... Authorizes use of money in infrastructure fund for operation and maintenance of flood control projects in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1273, 1278, 1370, 1431, 1471, 1492, 1542, 1608, 1697, 1731*, 2142.

491 .... Makes various changes regarding bidding on contracts for public works of this state. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1273, 1278, 1545, 1579, 1592, 1697, 1725, 1733, 1770*, 2169, 2231.

493 .... Makes supplemental appropriation to Office of the Military for unanticipated shortfall in money for utility costs in Fiscal Year 2002-2003. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 1308, 1312, 1404, 1464, 1492, 1542, 1608, 1697, 1731*, 1732, 2142.

494 .... Revises provisions governing issuance of writs of prohibition to conform to Nevada Constitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1404, 1406, 1546, 1626, 1767*, 1768, 2142.

495 .... Makes various changes to Consolidated Local Improvements Law. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Townsend, Washington, and Mathews. 2169, 2170, 2192, 2194, 2209*, 2310.

496 .... Revises various provisions governing certain training programs for employees of businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1773, 1775, 2316, 2317, 2322, 2323*, 2379.

497 .... Authorizes imposition of fee on certain rental cars and issuance of revenue bonds in certain counties to finance minor league baseball stadium. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Raggio, Townsend, Washington, Mathews; Assemblymen Hettrick, Angle, Gustavson, Knecht, Marvel, Anderson, Geddes, Gibbons, and Leslie. 2222, 2225, 2411, 2422, 2423*.

498 .... Provides for transfer and use of certain money received from leading investment firms pursuant to certain settlement agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 2305, 2306, 2316, 2322*.

499 .... Makes appropriations to Interim Finance Committee for allocation to state entities for radio system costs, infrastructure upgrades and user equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 2192, 2194, 2353, 2364, 2385, 2387*, 2444.

500 .... Revises certain fees paid to Department of Motor Vehicles concerning control of emissions from motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 2168, 2170, 2209, 2238*, 2352.

501 .... Requires Department of Motor Vehicles to charge and collect certain new fees relating to sale or lease of vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 2168, 2170, 2316, 2322*.

502 .... Extends reversion date of certain appropriations from previous sessions for park improvements. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 2192, 2194, 2233, 2238, 2320*.

503 .... Revises provisions governing homeschooled children and millennium scholarships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 2305, 2306, 2316, 2322*.

No. *Summary, Introducer and Page Reference*

504 .... Authorizes expenditures by agencies of state government. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance. 2345, 2352, 2353, 2370*.

505 .... Makes conditional appropriations to National Judicial College and Louis W. McHardy National College of Juvenile and Family Justice. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 2345, 2352.

506 .... Authorizes sale of National Guard Armory located in Carson City under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 2345, 2352, 2379, 2387*.

507 .... Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2379, 2380, 2412, 2442*.

508 .... Makes appropriations to State Distributive School Account for class-size reduction. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2388.

LISTING OF SENATE RESOLUTIONS AND ACTION THEREON

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

SENATE JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 .... Urges Secretary of the Interior to amend certain regulations concerning allocation of water rights for watering livestock on public lands. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1222, 1294, 1304, 1314, 1322, 1338*, 1454.

2 .... Urges Secretary of Interior, Secretary of Agriculture and Congress to take certain actions concerning expenditures of money for restoration of and water developments on public lands in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 459, 460, 1294, 1304, 1314, 1322, 1338*, 1454.

3 .... Urges Congress to take certain actions concerning wilderness areas and wilderness study areas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1273, 1369, 1431, 1471, 1492, 1542, 1608, 1697, 1768*, 2145, 2179.

4 .... Urges Nevada Congressional Delegation and Congress to take certain actions concerning wilderness areas and wilderness study areas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1273, 1369, 1431, 1471, 1492, 1542, 1608, 1697, 1768*, 2145, 2179.

5 .... Proposes to amend Nevada Constitution to allow Legislature to establish intermediate appellate court. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 278, 497, 530, 550, 580*, 687.

6 .... Requests Congress to vote on appointment of Miguel A. Estrada to United States Court of Appeals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Affairs and Operations. 483.

7 .... Declares support of Nevada Legislature for America's missile defense system. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Affairs and Operations. 584.

10 .... Expresses support for plan to consolidate certain public and private lands in Pershing County and urges Nevada Congressional Delegation to introduce and support legislation providing for such consolidation of lands in Pershing County. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1773, 1774, 2042, 2043, 2147, 2185, 2194, 2196*, 2310.

11 .... Proposes to amend Nevada Constitution to provide for payment of compensation to members of Legislature for each day of service during regular and special sessions and to provide for payment of reasonable allowances to such members for postage, express charges, newspapers, telecommunications and stationery. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 2138, 2139, 2192, 2194, 2210*.

SENATE CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 .... Commemorates induction of Senator William J. Raggio into Chapel of Four Chaplains and inscription of his name on Legion of Honor Wall. O'Connell, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Beers, Hettrick, Anderson, Andonov, Angle, Arberry, Atkinson, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 65, 78.

No. *Summary, Introducer and Page Reference*

2.... Recognizes February 6, 2003, as Ronald Reagan Day. Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Knecht, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 74, 75, 89.

3.... Urges each community in Nevada to form coalition of agencies and service providers to reduce number of suicides and provide support for survivors. Committee on Human Resources and Facilities. 261, 398, 405, 425.

4.... Urges Clark County Health District to plan and coordinate public information campaign relating to suicide prevention and expand injury prevention efforts in Clark County. Committee on Human Resources and Facilities. 261, 398, 405, 425.

5.... Urges agencies in Clark County to cooperate in establishment of plan for suicide prevention in Clark County. Committee on Human Resources and Facilities. 261, 262, 398, 406, 425.

6.... Commends Nevadans for Antibiotic Awareness for its work on preventing abuse of antibiotics and urges public and private health agencies to work to prevent abuse of antibiotics in this state. Rawson, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Koivisto, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 84, 104.

7.... Directs Legislative Committee on Public Lands to continue study of wilderness areas and wilderness study areas in this state. Committee on Natural Resources. 1282, 1369, 1405, 1458, 1624, 1772.

8.... Memorializes former State Senator and longtime rancher, Floyd R. Lamb. Senators Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Marvel, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 116, 138.

9.... Commemorates 75th anniversary of State Bar of Nevada and designates February 18, 2003, as "State Bar of Nevada Day." Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Buckley, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 121, 157.

10.... Urges Governor and agencies of State Executive Branch to take certain actions concerning persons with disabilities. Committee on Legislative Affairs and Operations. 278, 1506, 1510, 1772.

11.... Urges Department of Human Resources to establish statewide informational and referral system for health, welfare, human and social services. Committee on Human Resources and Facilities. 353, 355, 1324, 1355, 1454.

12.... Encourages school administrators, teachers and other educational personnel involved in prekindergarten through 12th grade to promote nutrition and physical fitness in schools. Wiener, Cegavske, Mathews, Titus, Rawson, Care, Neal, Nolan, and Washington. 411, 412, 1403, 1458, 1543.

13.... Directs Legislative Committee on Health Care to conduct interim study concerning medical and societal costs and impacts of obesity in Nevada. Wiener, Cegavske, Titus, Rawson, Care, Mathews, Raggio, and Washington. 1509, 1510, 2233, 2234, 2306, 2345, 2447.

14.... Memorializes prominent physician and philanthropist Elias Ghanem. Care, Amodei, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Goldwater, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 233, 249.

No. *Summary, Introducer and Page Reference*

15 .... Encourages Department of Human Resources to study problem of alcohol and drug abuse by teenagers and young adults while driving motor vehicles. Wiener, Rawson, Cegavske, Neal, Mathews, Nolan, and Washington. 483, 1403, 1458, 1543.

16 .... Commends Eastern Nevada Landscape Coalition for its endeavors toward restoration of ecosystems of Great Basin. Rhoads, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Sherer, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Weber, and Williams. 255, 275.

17 .... Congratulates Dr. Charles R. Goldman for being selected recipient of Nevada Medal given by Desert Research Institute. Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Oceguera, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 269, 339, 346.

18 .... Recognizes Health Division of Department of Human Resources for efforts regarding collection of information concerning sepsis. Tiffany, Cegavske, Rawson, Raggio, Neal, Amodei, Care, Carlton, Coffin, Hardy, Mathews, McGinness, Nolan, O'Connell, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, and Wiener; Assemblymen Gustavson, Knecht, Angle, Anderson, Andonov, Claborn, Griffin, Hettrick, Horne, Manendo, Pierce, Sherer, and Weber. 292, 307, 358.

19 .... Urges Athletic Directors of University of Nevada, Reno, and University of Nevada, Las Vegas, to consider feasibility of reuniting University of Nevada, Reno, and University of Nevada, Las Vegas, in same athletic conference and to schedule annual rivalry football game to coincide with observance of Nevada Day. Washington. 509, 1506, 1510, 1772.

20 .... Directs Legislative Committee on Public Lands to conduct interim study of feasibility and desirability of changing state boundary line along border with Utah. Rhoads. By request. 1509, 1510, 2144, 2146, 2231.

22 .... Memorializes Edmund J. Cain, Dean Emeritus of University of Nevada, Reno, College of Education. Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 343, 358.

23 .... Honors restaurateurs Paul and Adele Abowd. Senators Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Williams, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, and Weber. 357, 402.

24 .... Memorializes Nevada businessman and civic leader Tom “Big Dog” Wiesner. Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Griffin, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 407, 408, 425.

No. *Summary, Introducer and Page Reference*

25.... Memorializes aviation pioneer and philanthropist Moya Lear. Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Gibbons, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 412, 413, 443.

26.... Amends Joint Rules of Senate and Assembly for 72nd Session of Legislature to clarify time by which Legislature must adjourn session *sine die*. Coffin. 1282, 2144, 2146, 2231.

27.... Designates April 3, 2003, as Kiwanis Day in State of Nevada. McGinness, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Knecht, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 460, 534.

28.... Memorializes journalist, distinguished writer and newspaper executive, Rollan Melton. Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Gibbons, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 571, 687.

29.... Promotes importance of early reading in raising academic achievement. Cegavske; Assemblyman Hettrick. 1371, 1380.

30.... Memorializes dedicated firefighter and longtime Yerington resident Marvin Carr. Amodei, McGinness, Washington, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, and Wiener; Assemblymen Grady, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 1297, 1322.

31.... Directs Legislative Commission to conduct preliminary feasibility study of long-range mass transit within State of Nevada and to large urban areas in neighboring states. Neal, Carlton, Titus, Schneider, Rawson, Amodei, Care, Cegavske, Coffin, Hardy, Mathews, McGinness, Nolan, O'Connell, Raggio, Rhoads, Shaffer, Tiffany, Townsend, Washington, and Wiener; Assemblymen Knecht, Anderson, Beers, Arberry, Giunchigliani, Angle, Atkinson, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 2222, 2223, 2304, 2306, 2447.

32.... Directs Legislative Commission to conduct interim study of criminal justice system in rural Nevada and of transitional housing for released offenders. Committee on Legislative Affairs and Operations. 2222, 2224, 2353, 2354.

33.... Congratulates Mineral County High School girls' basketball team for winning 2002 and 2003 state championships. McGinness, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Sherer, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Weber, and Williams. 1311, 1338.

No. *Summary, Introducer and Page Reference*

34 .... Commends Dorothy Gallagher for her service to community, University and Community College System of Nevada and State of Nevada. Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Carpenter, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 1332, 1333, 1454.

35 .... Honors former President Jimmy Carter for receiving Nobel Peace Prize for 2002. Titus, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Townsend, Washington, and Wiener; Assemblymen Giunchigliani, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 1343, 1355, 1454.

36 .... Expresses support of Nevada Legislature for four long-term strategic plans developed by Department of Human Resources concerning health care needs of residents of Nevada. Committee on Human Resources and Facilities. 1404, 1546, 1625, 2041.

39 .... Memorializes former State Controller Darrel R. Daines. Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Gibbons, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 1836, 2179.

40 .... Supports Mesquite Project, an international aerospace and defense industry showcase and technology exposition, at Mesquite Airport. McGinness, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Hardy, Anderson, Andonov, Angle, Arberry Jr., Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams. 2181, 2182, 2231.

41 .... Provides items for consideration by Superintendent of Public Instruction in compiling biennial budgetary request. Committee on Finance. 2378, 2379, 2381.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Seventy-Second Session, 2003

Title	*Name*	*Mailing Address*
Speaker	Richard D. Perkins	328 Fife Street, Henderson 89015-2700
Speaker pro Tempore	Wendell P. Williams	3701 Fortune Avenue, Las Vegas 89107-2147
Chief Clerk	Jacqueline Sneddon	401 South Carson Street, Carson City 89701-4747

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Seventy-Second Session, 2003

District	*Name and Party*	*Mailing Address*
Carson City (part), Washoe (part), No. 40	Knecht, Ron (R)	1009 Spencer Street, Carson City 89703-5422
Clark, No. 1	Collins, Clarence W. (Tom) (D)	4716 San Miguel Avenue, North Las Vegas 89032-2828
Clark, No. 2	Mabey, Garn (R)	1404 Silver Oaks Street, Las Vegas 89117-1456
Clark, No. 3	Pierce, Peggy (D)	5304 Gipsy Avenue, Las Vegas 89107-3847
Clark, No. 4	Beers, Bob (R)	9428 Grenville Avenue, Las Vegas 89134-6206
Clark, No. 5	Weber, Valerie (R)	10001 Harpoon Circle, Las Vegas 89117-0931
Clark, No. 6	Williams, Wendell P. (D)	3701 Fortune Avenue, Las Vegas 89107-2147
Clark, No. 7	Arberry, Morse Jr. (D)	5300 W. Spring Mountain Road #104, Las Vegas 89146-8721
Clark, No. 8	Buckley, Barbara E. (D)	5442 Holbrook Drive, Las Vegas 89103-2439
Clark, No. 9	Giunchigliani, Christina R. (Chris) (D)	706 Bracken Avenue, Las Vegas 89104-1644
Clark, No. 10	Goldwater, David E. (D)	2201 Plaza De La Candela, Las Vegas 89102-4043
Clark, No. 11	McCleary, Bob (D)	2205 Flower Avenue, North Las Vegas 89030-7159
Clark, No. 12	Ohrenschall, Genie (D)	1124 S. 15th Street, Las Vegas 89104-1740
Clark, No. 13	Christensen, Chad (R)	9101 W. Sahara Avenue, Suite 105, Las Vegas 89117-5799
Clark, No. 14	Koivisto, Ellen M. (D)	1147 Timber Ridge Court, Las Vegas 89110-2545
Clark, No. 15	McClain, Kathy (D)	107 Greenbriar Townhouse Way, Las Vegas 89121-2456
Clark, No. 16	Oceguera, John (D)	4560 El Campana Way, Las Vegas 89121-6510
Clark, No. 17	Atkinson, Kelvin (D)	5631 Indian Springs Street, North Las Vegas 89031-5078
Clark, No. 18	Manendo, Mark (D)	4629 Butterfly Circle, Las Vegas 89122-6149
Clark, No. 19	Claborn, Jerry (D)	6617 Network Circle, Las Vegas 89156-7015
Clark, No. 20	Hardy, Joe (R)	895 Adams Boulevard, Boulder City 89005-2235
Clark, No. 21	Andonov, Walter (R)	P.O. Box 531106, Henderson 89053-1106

District	*Name and Party*	*Mailing Address*
Clark, No. 22	Brown, David F. (R)	701 N. Green Valley Parkway, Suite 200, Henderson 89074-6178
Clark, No. 23	Perkins, Richard (D)	328 Fife Street, Henderson 89015-2700
Clark, No. 28	Chowning, Vonne (D)	2015 Carroll Street, North Las Vegas 89030-6401
Clark, No. 29	Josh, Griffin (R)	792 Camino La Paz, Henderson 89012-5687
Clark, No. 34	Horne, William C. (D)	2251 North Rampart, No. 357, Las Vegas 89128-7640
Clark, No. 37	Conklin, Marcus (D)	1600 Palmae Way, Las Vegas 89128-3244
Clark, No. 41	Parks, David R. (D)	P. O. Box 71887, Las Vegas 89170-1887
Clark, No. 42	Mortenson, John H. (Harry) (D)	3930 El Camino Road, Las Vegas 89103-2221
Douglas, Carson City (part), Washoe (part), No. 39	Hettrick, Lynn (R)	1475 Glenwood Drive, Gardnerville 89460-8981
Elko, Humboldt (part), No. 33	Carpenter, John C. (R)	P. O. Box 190, Elko 89803-0190
Esmeralda, Lincoln, Mineral, Nye, Churchill (Part) No. 36	Sherer, Rod (R)	2091 Zuni Avenue, Pahrump 89048-4811
Eureka, Pershing, White Pine, Churchill (part), Humboldt (part), Lander (part), Washoe (part) No. 35	Goicoechea, Pete (R)	P. O. Box 97, Eureka 89316-0097
Humboldt (part), Lander (part), Washoe (part), No. 32	Marvel, John (R)	P. O. Box 1270, Battle Mountain 89820-1270
Lyon, Storey, Carson City (part) Churchill (part), No. 38	Grady, Tom (R)	43 Fairway Drive, Yerington 89447-2170
Washoe, No. 24	Geddes, Jason (R)	750 Putnam Drive, Reno 89503-5900
Washoe, No. 25	Gibbons, Dawn (R)	2535 Kinney Lane, Reno 89511-6546
Washoe, No. 26	Angle, Sharron (R)	1802 Rainbow Ridge Road, Reno 89523-1847
Washoe, No. 27	Leslie, Sheila (D)	825 Humboldt Street, Reno 89509-2009
Washoe, No. 30	Gustavson, Don (R)	P. O. Box 20300, Sun Valley 89433-0300
Washoe, No. 31	Anderson, Bernie (D)	747 Glen Meadow Drive, Sparks 89434-1536

ATTACHÉS OF THE NEVADA STATE ASSEMBLY
Seventy-Second Session, 2003

Name	*Title*	*City*
Diane Keetch	Assistant Chief Clerk	Carson City
Lucinda Benjamin	History Clerk	Schurz
Matthew Baker	Journal Clerk	Carson City
Kathryn Fosnaugh	Recording Clerk	Carson City
Harle Glover	Document Clerk	Carson City
Jason Hataway	Media Clerk	Carson City
Terry Sullivan	Sergeant at Arms	Washoe Valley
Robin Bates	Assistant Sergeant at Arms	Gardnerville
Heidi Hansen	Assistant Sergeant at Arms	Carson City
Beverly Mobley	Assistant Sergeant at Arms	Dayton
Andrea Touyarot	Assistant Sergeant at Arms	Washoe Valley
Lucas Watson	Assistant Sergeant at Arms	Carson City
Jeanne Douglass	Supervisor of Clerical Services	Carson City
Nanita Moore	Senior Secretary	Carson City
Kathryn Alden	Speaker's Executive Assistant	Carson City
Lona Domenici	Speaker's Executive Assistant	Carson City
Julie Whitacre	Speaker's Executive Secretary	Las Vegas
Linda Corbett	Speaker pro Tempore's Executive Secretary/Committee Manager	Sparks
Barbara Houger	Majority Floor Leader's Executive Assistant	Carson City
Nenita Wasserman	Minority Floor Leader's Executive Assistant	Carson City
Valorie Belknap	Assistant Majority Floor Leader's Executive Secretary	Carson City
Kathryn Oetting	Assistant Minority Floor Leader's Executive Secretary	Carson City
JoAnn Kula	Majority Whip's Secretary/Senior Committee Manager	Carson City
Jerlyn Figearo	Minority Whip's Senior Secretary	Las Vegas
Alan Mills	Minority Whip's Senior Secretary	Reno
Cecilia G. Colling	Assistant Majority Whip's Secretary	Reno
Novella Kowallek	Assistant Majority Whip for Procedure's Secretary	Carson City
Meghan Jenkins	Majority Leadership Receptionist	Carson City
Eric Anderlohr	Senior Committee Manager	Las Vegas
Reba Coombs	Senior Committee Manager	Carson City
Nykki Kinsley	Senior Committee Manager	Las Vegas
Cecile Crofoot	Committee Manager	Carson City
Marge Griffin	Committee Manager	Carson City
Joyce Hess	Committee Manager	Virginia City
Sheila Sease	Committee Manager	Carson City
Jasmine Shackley	Committee Manager	Carson City
Jackie L. Valley	Committee Manager	Las Vegas
Connie Davis	Lead Ways and Means Committee Secretary	Carson City
Anne Bowen	Ways and Means Committee Secretary	Carson City
Catherine Caldwell	Ways and Means Committee Secretary	Carson City
Susan Cherpeski	Ways and Means Committee Secretary	Carson City
Lila Clark	Ways and Means Committee Secretary	Carson City
Linda Smith	Ways and Means Committee Secretary	Dayton
Carol J. Thomsen	Ways and Means Committee Secretary	Carson City
Cindy Clampitt	Lead Committee Secretary	Carson City
Patricia Hughey	Lead Committee Secretary	Carson City
Deborah Rengler	Lead Committee Secretary	Carson City
June Rigsby	Lead Committee Secretary	Virginia City
Erin Channell	Senior Committee Secretary	Carson City
Kelly Fisher	Senior Committee Secretary	Carson City
Theresa Horgan	Senior Committee Secretary	Carson City

Name	*Title*	*City*
Victoria Thompson	Senior Committee Secretary	Carson City
JoAnn Aldrich	Committee Secretary	Virginia City
Patricia Blackburn	Committee Secretary	Carson City
Sabina Bye	Committee Secretary	Minden
Nancy Elder	Committee Secretary	Carson City
Corey Fox	Committee Secretary	Carson City
Mary G. Garcia	Committee Secretary	Minden
Sharee Gebhardt	Committee Secretary	Reno
Nancy Haywood	Committee Secretary	Minden
Carrie Lee	Committee Secretary	Carson City
Mary Bean	Personal Secretary	Carson City
Toni Bouas	Personal Secretary	Carson City
Marylou Burks	Personal Secretary	Minden
Jeanette Connolly	Personal Secretary	Carson City
Celeste Gunther	Personal Secretary	Minden
Donna Hancock	Personal Secretary	Carson City
Mary Kay Hines-Doherty	Personal Secretary	Carson City
Millicent Jorgenson	Personal Secretary	Carson City
Merla Keetch	Personal Secretary	Carson City
Michelle Kennedy	Personal Secretary	Reno
Yhvona Martin	Personal Secretary	Carson City
Carolyn J. Maynick	Personal Secretary	Carson City
Toshiko McIntosh	Personal Secretary	Dayton
Shawn Morgan	Personal Secretary	Las Vegas
Linda Lee Nary	Personal Secretary	Carson City
Ellen Nelson	Personal Secretary	Carson City
Linda Paul	Personal Secretary	Carson City
Helen Poupeney	Personal Secretary	Carson City
Jerry Stacy	Personal Secretary	Carson City
Janet Stokes	Personal Secretary	Carson City
Claudette J. Thompson	Personal Secretary	Carson City
Barbara Urbani	Personal Secretary	Carson City
Loretta Peterson	Personal Secretary	Carson City
Anne Williams	Personal Secretary	Carson City
Maxine Milabar	Senior Proofreader	Reno
Stephanie Elliott	Proofreader	Sparks
Betty Gardner	Proofreader	Sparks
Bruce Pfeiffer	Reproduction Services Supervisor	Carson City
June Bennett	Data Entry Technician	Carson City
Kyle T. Wentz	Senior Page	Gardnerville
Eddie Cordisco, Jr.	Supervisor of Bill Services	Carson City
Mary Carel	Assistant Supervisor of Bill Services	Carson City
Ken Beaton	Bill Services Clerk	Carson City
Norm Budden	Bill Services Clerk	Carson City
Myron Carpenter	Bill Services Clerk	Carson City
Brandi Colunga	Bill Services Clerk	Carson City
James C. Corbett	Bill Services Clerk	Carson City
John Davis, Jr.	Bill Services Clerk	Carson City
Joyce E. Ghiselli	Bill Services Clerk	Carson City
Don Hataway	Bill Services Clerk	Carson City
Juanita Heston	Bill Services Clerk	Carson City
Stephen Honey	Bill Services Clerk	Carson City
Laverne LaFleur	Bill Services Clerk	Carson City
Lois LaHair	Bill Services Clerk	Dayton
Ray Mager	Bill Services Clerk	Carson City
Bob Maynick	Bill Services Clerk	Carson City
Reid Meyer	Bill Services Clerk	Carson City
Jesse N. Pickett	Bill Services Clerk	Carson City
Elizabeth Tetz	Bill Services Clerk	Carson City
Frank Tetz	Bill Services Clerk	Carson City
W. Wayne Willson	Bill Services Clerk	Carson City

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SEVENTY-SECOND SESSION

THE FIRST DAY

CARSON CITY (Monday), February 3, 2003

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

Prayer by the Chaplain, Father Caesar Caviglia, Ely, Nevada.

Lord God, we know that we are but pilgrims and pioneers in this brief measure of time allotted to us. Guide us by Your wisdom, correct us by Your justice, comfort us by Your mercy, protect us by Your power, make us prudent in deliberations, courageous in taking risks, patient in adversity, and unassuming in prosperity. We have been called by Your fellow citizens to discern the affairs of state. Rising expectations and shrinking resources seem insurmountable. Cause us to enlarge our vision and reach beyond our particular concerns and interests that we might honorably wear the noble mantle of statesmen and women. This blessing we ask of You.

AMEN

Presentation of the Colors by an Honor Guard consisting of officers from Churchill, Douglas, Lyon, Nye, and Washoe Counties.

Pledge of Allegiance to the Flag.

Special musical rendition by the Sierra Nevada Master Chorale, under the direction of Mr. Richard Lee.

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

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

Roll called.

Present: Assemblymen Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams.

Mr. Secretary of State appointed Assemblymen Giunchigliani, Conklin, Anderson, McClain, McCleary, Pierce, Beers, Christensen, Grady and Weber as a temporary Committee on Elections, Procedures, and Ethics.

Assembly in recess at 12:29 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.

Mr. Secretary of State presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Secretary of State:

Your temporary Committee on Elections, Procedures, and Ethics has had the credentials of the respective Assemblymen-elect under consideration, and begs leave to report that the following persons have been and are duly elected and qualified members of the Assembly of the 72nd Session of the Legislature of the State of Nevada: Assemblymen Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams.

CHRIS GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved the adoption of the report.

Motion carried unanimously.

Mr. Secretary of State appointed as a committee Assemblywoman Koivisto and Assemblyman Carpenter to escort Chief Justice Deborah A. Agosti of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

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

Assembly in recess at 12:53 p.m.

ASSEMBLY IN SESSION

At 1:16 p.m.
Mr. Secretary of State presiding.
Quorum present.

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

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assemblymen for whom Certificates of Election had been issued.
Roll called.
Present: Assemblymen Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams.

Assemblywoman Leslie moved that Chief Justice Agosti be given a unanimous vote of thanks for administering the oath.
Motion carried unanimously.

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

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

Mr. Secretary of State declared that nominations were in order for Speaker.
Assemblywoman Buckley nominated Assemblyman Perkins for Speaker.
Remarks by Assemblymen Buckley and Hettrick.
Assemblywoman Buckley moved that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:
As we approach our 72nd Session, we have many challenges before us. All of us are here, anxious and ready to serve—to serve to the best of our ability. In order to serve the people, to conduct our business, we need a Speaker. We are fortunate to have someone who I would like to nominate for that role. He is a leader who is known for his intelligence, integrity, and compassion. Mr. Secretary of State, I'm proud to nominate Assemblyman Richard Perkins to be Speaker of the Assembly.

ASSEMBLYMAN HETTRICK:
Thank you, Mr. Secretary of State. I, too, am pleased to see the nomination of Speaker Perkins.
Assemblyman Hettrick moved that nominations be closed.
Motion carried unanimously.
Mr. Secretary of State declared Assemblyman Perkins to be Speaker of the Assembly.

Mr. Secretary of State appointed Assemblyman Oceguera and Assemblywoman Leslie as a committee to escort the Speaker to the rostrum.

Mr. Speaker presiding.

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

Motion carried unanimously.

Mr. Speaker appointed Assemblyman Collins and Assemblyman Marvel as a committee to escort the Secretary of State to the Bar of the Assembly.

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

Remarks by Mr. Speaker.

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

MR. SPEAKER:

Majority Floor Leader Buckley, Minority Leader Hettrick, members of the Assembly, legislative staff, friends, and guests:

Today is a day of ceremony and celebration at the Nevada Legislature, but while we focus our energies on what lies ahead in the 72nd Session, our nation reflects and grieves; mindful of those seven heroes who lost their lives in the skies over Texas. We should think of them often as we speak about courage, crisis, and consequences during the next 120 days.

There are larger forces at work in the world, and in the face of these events, some of the small things that consume us here are shown to matter very little. It is difficult, against the backdrop of these events, to find words that fit our time. While the nation once again deals with tragedy, we face challenges of a different kind; language fails us. We stand on a great threshold in our history. Now is the time for actions that speak louder than words. The Nevada of our future rests solely in the hands of those few assembled here. We have reached a critical point in our evolution as a state. The new century has brought with it new challenges, unlike any seen in at least a generation. The people's business cannot be business as usual. We have reached a crossroads in our state's history. You and I hold the key.

There is little new material in political speechmaking. For years politicians have relied on phrases like those I just read to you—sometimes warranted, and at other times, just simply to make a point. Those who have stood in this place of honor before me often sought to speak of such things on the opening day at the Nevada State Legislature. You know the clichés. You know the overused words. They are a common affliction in public life. Sadly, the difference today is that this kind of speechmaking is finally warranted. If every dog has its day, so must every cliché. They have finally all come true.

Two weeks ago, our Governor stood in this very Chamber. I have never seen Governor Guinn speak so passionately. He spoke of two roads down which we might take Nevada and he challenged us to be courageous in choosing our path. I commend the Governor for his remarks, his vision, and for many of his ideas. He used the force of his office well, just as I hope to in guiding the work of this House as we craft the policies important to our state. The Governor spoke of the state of our State as "fragile." I disagree. The state of our budget is fragile. Perhaps the state of several departments and agencies and the vital services they deliver are fragile; but out there, beyond this Chamber, beyond the Capitol Complex, Nevadans are strong. Their courage is rock solid.

Let's not confuse our own human fears about balancing our budget and finally establishing a stable revenue stream for the future of our state with the courage and conviction of the over 2 million Nevadans we serve. Today's challenges are no greater than any we have faced in our long history. They only seem bigger because they are so close. But Nevadans have proven, beginning with the struggles of becoming a state during the Civil War and most recently in the

aftermath of 9/11, that they have a personal strength of character that is sometimes lacking in politics. Our budget might be fragile, but our people are strong. If anything else is fragile, it is our collaboration as legislators.

If we have need for courage, as the Governor has told us, it is because we have allowed Washington-style politics to creep into our Nevada system. Gridlock looms. Partisanship is on the rise. Personal attacks have already begun. Some in this Chamber want to legislate through press release, headline, and sound bite rather than through frank speech, conviction, and thoughtful consideration of the ramifications of all that we do, all that we say, and the tone we say it in. Courage does not mean acrimony. It takes courage to be thoughtful and quiet and to offer solutions instead of barriers. Frankly, it's too easy to speak without thinking and too easy to rely on partisanship instead of statesmanship. We may not agree, and that's okay, but we need to be respectful when we disagree.

One of the most courageous, honorable, and civil legislators ever to grace these halls also wielded this gavel until very recently. His name is Joe Dini, and he will be absent from the Floor of the Assembly during this session for the first time in more than three decades. We will miss Joe, but at the same time, I am pleased to greet the many new members of this House. One-third of our members are new. One-third. The pundits have been focused on that number for weeks, not with respect to the number of our new members, but reminding us, instead, that one-third of the members of this House can block any increase in revenue. The pundits would be better served to focus on the enthusiasm and fresh ideas of the one-third of our new members. Rarely do we see a freshman class with this much talent.

To the ladies and gentlemen who are new to this House, welcome. I am proud of your energy, your commitment, and your diversity. The future is yours. In ten years, I have no doubt that one of you will be standing in this place on opening day and holding this gavel. Welcome here, all of you.

Ten years is a political lifetime. Ten years ago, I first took the Oath of Office in this Chamber. I was convinced it was the most important day of my life. Yet five times since then, I have been privileged to repeat that Oath. True, much of the cast of characters has changed. Colleagues have come and gone. Yet the Oath is exactly the same, and the day ends with the same sense of pride and expectation. While outside this Chamber, on each of those days, and for every other day of the last ten years, life has gone quietly on for the people of Nevada without a gavel to aid them or an Oath of Office to remind them of their responsibility to state and country; Nevadans have done their duty. Out there is where things have changed. Ten years ago, our state numbered 1.3 million people; today we number well over 2 million. Ten years from now, we will have added many new Nevadans. Ten years ago, the war on terror did not exist; there had been no 9/11, no talk of homeland security; we never heard of tobacco settlements; welfare reform was a distant dream; technology was quite different. Ten years truly is a lifetime in politics. Today is only that—one day. The questions of this one day, however, loom large: What will the next ten years hold? What role will we play in getting there? What impact will the decisions we make today have in the long run?

Make no mistake. Hide behind no cliché. Our decisions matter. Not in the sense that they matter to the press corps, or even to the voters we will face at subsequent elections. Our decisions matter because each one shapes the future and charts the course for the next ten years and beyond. We will decide if Nevada has a full complement of teachers, excited and energetic in their own right because they are well prepared, well paid, and have the resources to do their jobs. We will decide if our children are demoralized, schooled in crowded trailers that do little more than take up playground space, without textbooks to call their own. We will decide if our seniors have access to prescription drugs and affordable health care. Or instead will we forget their service in the offices, factories, farms, and wars of the twentieth century? We will decide if Nevada has full employment or full prisons. We will decide if the residents of Washoe and Clark Counties drive on proper roads or languish in gridlock like drivers in Southern California. We will decide if our children have access to vaccines, nutrition, and basic services. We will decide.

Ten years from now, I want our children to experience a Nevada recognized for its world-class educational system. I want our children to live their lives through hard work, integrity, and a sense of community, knowing that these simple virtues matter. I want our children to have opportunities we never had. Ineffective government should not be an impediment to opportunity.

We may struggle for the next 120 days. We may disagree over which revenues to increase, and which programs to fund and which to cut. Nobody, nobody, has ever claimed the legislative process to be easy or pretty to watch, but we cannot allow ineffectiveness to stand in the way of doing what is right for Nevada. For Nevada, not just my district, and certainly not just my party. For my state, for our state.

In March of 1968, President Lyndon Johnson announced to a startled nation that he would not seek his party's nomination for reelection to the presidency. In what was probably his darkest hour, President Johnson admonished the nation against divisive partisanship. He recalled a personal philosophy that had guided his public career: "I am a free man, an American, a public servant, and a member of my party, in that order always and only." Say what you will about President Johnson's failings, he articulated these priorities correctly. His words were an echo of those spoken by President Franklin Delano Roosevelt at his inauguration in 1933, the same speech where he evoked courage to assure the nation that the only thing to fear is fear itself—"In every dark hour of our national life, a leadership of frankness and vigor has met with the understanding and support of the people, which is important to victory."

As one who has participated in this Chamber for ten years now, my advice to those who are new is to remember these words of unity. With due respect to those who have served as long or longer, my message is the same. Tomorrow when you show up, show up to work, show up for Nevada. Do not show up for your political party or a divisive interest. In 120 days, all of this will be over. We would do well to remember to whom we answer when we adjourn *sine sie*. In the end, we have only ourselves, our families, our communities, and our God. In the end, that is all we need. Thank you, and may God bless you, your families, and your decisions.

A committee from the Senate composed of Senators Tiffany, Nolan, and Carlton appeared before the Bar of the Assembly and announced that the Senate was organized and ready for business.

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

Assemblyman Arberry nominated Assemblyman Williams for Speaker pro Tempore.

Remarks by Assemblyman Arberry.

Assemblywoman Gibbons moved that nominations be closed.

Motion carried unanimously.

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

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

Assemblyman Anderson nominated Ms. Jacqueline Sneddon to be Chief Clerk.

Assemblywoman McClain moved that nominations be closed.

Motion carried unanimously.

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

Mr. Speaker appointed Assemblymen Parks, Goldwater, and Brown as a committee to inform the Senate that the Assembly was organized and ready for business.

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

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

Assembly in recess at 1:58 p.m.

ASSEMBLY IN SESSION

At 2:18 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks reported that his committee had informed the Senate that the Assembly was organized and ready for business.

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

Assemblywoman Buckley moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 3, 2003, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers, that they be allowed use of appropriate broadcasting facilities, and the list be included in this day's Journal:

ASSOCIATED PRESS: Benjamin Kieckhefer, Ryan Pearson; DAILY SPARKS TRIBUNE/KAME/KRXI-TV: Andrew Barbano; ELKO DAILY FREE PRESS: Jerry Blair; FOX 5 NEWS: Garrett Breit, John Huck; KLAS-TV 8: Matthew Adams, Richard Czarny, George Knapp; KLVX-TV: Tom Axtell, Mitch Fox; KNPB-TV: Erin Breen, Salvador Brenal, Jack Kelly, Bonnie Maclean, Dennis Myers, Ali Herndon-Ortega, Ethan Salter, Dave Santina, Douglas Walters; KOLO-TV CHANNEL 8: Brent Boynton, Jean Casarez, Mark Cronon, Jeff Deitch, Tim Ill, Justin Kanno, Josh Little, Vicky Nguyen, Ed Pearce, Terri Russell, James Steiner; KPTL-RADIO: Cheri D. Flynn, Scott Gahagen, Ron Harrison, Jarvis Kaler, Terrie Q. Sayre; KTNV-TV NEWS 13: Mark Sayre; KVBC-NEWS 3: Alyssa Anderson, Justin Rush, Kendall Tenney; KWNA-RADIO: Torrey Sheen; LAS VEGAS CITYLIFE: Matt O'Brien; LAS VEGAS SUN: Michael Campbell, David Clayton, Dana Gentry, Jeff German, Matt Hufman, Steve Kanigher, Jennifer Knight, Ed Koch, Aaron Mayes, Erin Neff, Judy Odierna, Angela Pilmer, Launce Rake, Jon Ralston, Emily Richmond, Cy Ryan, Susan Snyder; NEVADA APPEAL: Cathleen Allison, Brian Corley, Rhonda Costa-Landers, Kelli Du Fresne, Ray Estrada, Rick Gunn, Karl Horeis, Jill Keller, Francine Norton, Barry Smith, Teri Vance, Susan Vasquez; NEVADA BROADCASTERS ASSOCIATION: Robert David Fisher; NORTH LAKE TAHOE BONANZA: Rick Adair, Kirk Caraway; NORTHERN NEVADA BUSINESS WEEKLY: Anne Knowles; SAM SHAD PRODUCTIONS: Sam Breen, Ande Engleman, Samuel Shad; TAHOE DAILY TRIBUNE: Kathryn Reed; TASMAN PACIFIC MEDIA GROUP: Donna Andres, Peter Hutchinson; THE MEDIA CENTER: Don Alexander, Kim Anhalt, John Bankhead, Jeremy Baumann, Nancy Burgess, Carol Cizauskas, Kaye Crawford, Charles M. Evans, Fred Fichman, Henry King, David Kizler, John Ponzo, Earl Spriggs; UNLV REBEL YELL: Erik Ball, Nick Christensen, Angela Flores; UNIVISION-LAS VEGAS NEWS: Jorge Avila, Sol Binkier, Ricardo Fernandez, Janette Luviano, Joel Alejandro Romo, Xochitl Sandoval, Johanna Suarez, Brenda Torres, Roger Velado; VARTEK: Marcia Cohen, Michael Vargas;

VIRGINIA CITY REGISTER: Gary M. G. Deacon, Scott Phillips, Bill Sjovaugen, Sharon Truehill, Douglas Truehill, Ernst Wipple; WE THE PEOPLE: Shayne Del Cohen.

Motion carried.

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

COMMERCE AND LABOR—

Goldwater, Buckley, Arberry, Giunchigliani, Leslie, Oceguera, Parks, Perkins, Beers, Brown, Gibbons, Griffin, Hettrick, Knecht.

CONSTITUTIONAL AMENDMENTS—

Mortenson, McCleary, Horne, Gustavson, Sherer.

EDUCATION—

Williams, Horne, Atkinson, Chowning, Koivisto, Manendo, McCleary, Andonov, Angle, Geddes, Hardy, Mabey.

ELECTIONS, PROCEDURES, AND ETHICS—

Giunchigliani, Conklin, Anderson, McClain, McCleary, Pierce, Beers, Christensen, Grady, Weber.

GOVERNMENT AFFAIRS—

Manendo, Williams, Atkinson, Collins, Koivisto, McCleary, Pierce, Christensen, Goicoechea, Grady, Hardy, Knecht, Weber.

HEALTH AND HUMAN SERVICES—

Koivisto, McClain, Horne, Leslie, Pierce, Williams, Angle, Hardy, Mabey, Weber.

JUDICIARY—

Anderson, Oceguera, Buckley, Claborn, Conklin, Horne, Mortenson, Ohrenschall, Angle, Brown, Carpenter, Geddes, Gustavson, Mabey, Sherer.

NATURAL RESOURCES, AGRICULTURE, AND MINING—

Collins, Claborn, Atkinson, Conklin, McCleary, Mortenson, Ohrenschall, Carpenter, Christensen, Geddes, Goicoechea, Marvel.

TAXATION—

Parks, Goldwater, Anderson, Arberry, McClain, Mortenson, Pierce, Gibbons, Grady, Griffin, Hettrick, Marvel.

TRANSPORTATION—

Chowning, Ohrenschall, Atkinson, Claborn, Collins, Manendo, Oceguera, Carpenter, Goicoechea, Gustavson, Knecht, Sherer.

WAYS AND MEANS—

Arberry, Giunchigliani, Chowning, Goldwater, Leslie, McClain, Parks, Perkins, Andonov, Beers, Gibbons, Griffin, Hettrick, Marvel.

MAJORITY FLOOR LEADER—

Barbara E. Buckley.

ASSISTANT MAJORITY FLOOR LEADER—

John Oceguera.

MAJORITY WHIP—

Bernard Anderson.

ASSISTANT MAJORITY WHIP—

Sheila Leslie.

ASSISTANT MAJORITY WHIP—

Mark A. Manendo.

ASSISTANT MAJORITY WHIP FOR PROCEDURE—

Genie Ohrenschall.

MINORITY FLOOR LEADER—

Lynn C. Hettrick.

ASSISTANT MINORITY FLOOR LEADER—

Joshua Griffin.

MINORITY WHIP—
Sharron Angle.
MINORITY WHIP—
David Brown.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA , January 30, 2003

THE HONORABLE SENATOR WILLIAM J. RAGGIO, THE HONORABLE ASSEMBLYMAN RICHARD D. PERKINS, Nevada Legislature, 401 S. Carson Street, Carson City, Nevada 89701

DEAR MAJORITY LEADER RAGGIO AND SPEAKER PERKINS:

Attached herewith is my message to the 72nd Session of the Nevada Legislature, as required by Article 5, Section 10, of the *Nevada Constitution*. As you know, I delivered the message earlier to a gathering of your colleagues and other guests on January 20, 2003, in the Assembly Chambers in Carson City.

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

Respectfully,
KENNY C. GUINN
Governor

Assemblywoman Buckley requested that the Governor's State of the State Address as presented to the Legislative Commission's Special Committee to Receive the Governor's State of the State Address of January 20, 2003, be entered in the Journal.

Good evening.

Mr. Speaker, Madam Lieutenant Governor, members of the Senate and Assembly, Honorable Justices of the Supreme Court, elected officers, distinguished guests, and my fellow Nevadans:

We come together on a special day for our country; a day set aside each year to honor a great American, a pioneer and a champion for civil rights, Dr. Martin Luther King, Jr. Dr. King's commitment to peaceful progress remains an inspiration to all who believe in equality and the "American Dream." He would be pleased, as you and I are proud, that the Nevada State Legislature has the highest percentage of African-American members of any legislature in the nation. Dr. King led his struggle during difficult times for America. In different ways, the times are no less difficult today for America, and for the Silver State.

My fellow Nevadans, it is my duty as Governor to report this evening that the state of our State is fragile and as challenging as any period in our 139-year history. For the last two years, we have been dealing with a $300 million budget shortfall. For the next two years, the shortfall is projected to be even worse; over $700 million.

Since I last stood before you, much has happened to weaken the finances and the economies of our country and this state. The terrorist attacks of September 11 did far more than destroy the World Trade Center, damage the Pentagon, and leave a scar in the heartland of Pennsylvania. The terrorists struck at the heart of business and industry, and no industry was hit harder than the tourism industry, the lifeblood of Nevada. The consequences of these attacks turned the already threatening fiscal clouds on Nevada's horizon into a full-blown storm. That is why, this evening, Nevada stands at a crossroads. Directly ahead of us are two roads to the future. Tonight is the time for choosing our path.

One choice may be easy to make, but hard to endure. It is a road that is shortsighted and paved with irresponsibility. The legacy of, once again, running from our duty as leaders will produce a devastating effect on every single Nevadan. It means leaving thousands of senior citizens without nursing home care, affordable medicine, and the dignity of their independence; forcing 27,000 new students into overcrowded classrooms without employing 900 new teachers

and without buying new textbooks; denying access to higher education for our high school graduates; eliminating health insurance for 25,000 needy children; and cutting prescription medicine for Medicaid recipients and the mentally ill. These are not threats; they are realities. To me, this is not a choice worthy of our citizens. It is not a choice for leaders, but a choice of political cowardice.

Thankfully, there is another road, a road that will meet the needs of a rapidly growing state, and one that will put Nevada on course to a brighter future. I am talking about a future where we provide for higher student achievement; where more students go to college, led by a new generation of Millennium Scholars; where our children, senior citizens, and those less fortunate live safer, healthier lives. This road will allow us to develop new businesses, grow our economy, create new jobs, and build a more competitive Nevada. This is my vision of the future, and Nevadans deserve no less.

I stand before you, in the house of the people, under a portrait of Abraham Lincoln, a man who united our country, and I ask you, Republicans and Democrats, members of the Senate and Assembly, to join me, so that together we can ensure a more prosperous Nevada. The challenges we face reflect the unique conditions of today's Nevada and our history. For years, our economy has depended almost exclusively on tourism and gaming, rather than by exporting goods and services. Three out of every four of our tax dollars are collected from sales and gaming taxes, taxes vulnerable to swings in the economy. Implicit in this tax strategy was a belief that the revenues from gaming and tourism could keep pace with our growing and diverse population. Unfortunately, this strategy has failed.

Nevada, once a small state, has been the fastest-growing state in the nation for 10 straight years. Between 1990 and 2000, we saw our population grow by 900,000 people. These new citizens have brought with them demands for more services, more highways, more medical care, and more schools.

As our population growth was soaring, our revenue growth was sagging. For example, in 1997 the Legislature had $543 million in new revenue to fund expenses for new school enrollments, mandated health care, and state services. By 1999, new revenues dropped to $378 million, and in 2001 they were down to $150 million. This trend has worsened. This biennium, we have just $24 million to pay for the needs of our growing state. Part of this decline resulted from the nationwide economic slowdown. Another big blow came from the terrorist attacks on September 11, which effectively caused Nevada to lose an entire year of revenue growth. However, while the effects of September 11 were devastating, they only hastened our day of reckoning and magnified the weaknesses of a system so dependent on volatile revenues. Another contributing factor to our decline was a result of increased competition from tribal gaming in other states. In the last year, tribal gaming in California alone grossed over $5 billion, compared to Nevada's $10 billion. It is predicted that tribal gaming will double in just the next few years.

My fellow Nevadans, the lesson from the last 20 years is clear: Our revenue system is broken because it has relied on regressive and unstable taxes. However grim our financial situation is today, it would be far worse if it were not for the steps we have already taken. We started with a fundamental review, a top-to-bottom review of every agency, program, position, and dollar. That process gave us the flexibility to reallocate millions of dollars to areas of high priority such as education, health care, and public safety.

We demanded flat budgeting and only allowed for growth in mandated areas such as Medicaid and school enrollment. We took bold steps to privatize government services, privatizing the state workers' compensation system. This resulted in nearly 800 positions being eliminated from state government and relieved Nevada of a $2 billion liability.

Some of you have ideas about additional services that can be privatized, such as the state motor pool and printing operations. I look forward to that dialogue so together we might find other innovative solutions for our state. Rising to the challenge to seek innovative solutions, Treasurer Brian Krolicki and his staff unlocked cash from an unexpected source: the state's debt. Brian's office produced over $30 million in extra revenue that helped us reduce last year's budget shortfall. You see, one person can make a difference.

Despite all these savings, our fiscal crisis required us to do even more. Together we made more than $120 million in very difficult cuts at the end of the last regular session. In addition, I

cut another $47 million in one-shot expenditures for much-needed equipment and maintenance, and from great community organizations that serve our citizens. Further, I directed all state agencies to make $38 million in additional across-the-board cuts. This meant layoffs, cuts to mental health programs, programs for seniors and children, and closing the state's juvenile detention facility. I then directed my Cabinet to make additional cuts of more than $15 million for such things as increased employee health insurance and utility costs. Tonight I want to thank my Cabinet, and all state employees, for implementing these difficult cuts.

Finally, when I first took office, I recognized we could not control spending without addressing the cost of state employment. That is why, in 1999, I implemented a statewide hiring freeze; freezing 1,500 positions has saved us over $30 million. Leaving these positions unfilled has not been easy. Our employees have made great sacrifices, providing state services while working harder than ever with fewer resources. However, we still find ourselves in a fiscal crisis. Therefore, tonight I am asking state employees to make yet another sacrifice, as my budget permanently eliminates 500 of those 1,500 vacant positions.

Fellow Nevadans, we have been innovative in our savings and responsible in our cuts. As Governor, I believe I have been a careful steward of the taxpayers' dollars. However, if I had to build this budget on only our existing revenue, I could not live with myself, and I don't know anyone who could. The time has come to say "enough." Nevada ranks near the bottom in per-pupil spending on education and spends less per capita on Medicaid than any other state. If those two areas don't concern you, take a look at where Nevada ranks in high school dropout rates, teenage pregnancy, and children living in poverty.

Ladies and gentlemen of the Legislature, I refuse to balance this budget on the backs of our children, senior citizens, and the poor. Moreover, I will not cut programs such as Nevada CheckUp. Cutting a program whose sole purpose is to give health care to 25,000 needy children is wrong. No, it is not wrong; it is heartless. If it is your choice to do so, you will do it over my veto.

Now is a time for courage. It is up to us to face our challenges, and face them we will. Therefore, the budget I am presenting tonight is balanced, fair, and has been built to meet the needs of Nevada, not only for the next two years, but also for many years to come.

Last session, you created the Task Force on Tax Policy. The members of this panel are experts in their field who came from every corner of our state and are among the most respected citizens in Nevada. You directed them to examine specific taxes that could broaden and stabilize our tax structure, because you believe as I do that our tax system is broken, and that in order to build a more prosperous Nevada we need to change that system. After 12 months of hard work and deliberations, the Task Force delivered a set of recommendations that all Nevadans can have confidence in. Those recommendations serve as the foundation of the plan I will unveil to you this evening. I now ask Chairman Guy Hobbs and the members of the Task Force to stand, so we can thank them for their hard work.

Tonight I have spoken much about the future of Nevada and my vision of a state where a well-educated workforce fuels the businesses that drive our economy. However, a more prosperous Nevada and a better educational system require an investment by all Nevadans and all Nevada businesses. Therefore, I bring to you tonight a budget request for $980 million in new revenue. This budget is built on a series of broad-based business taxes that move Nevada toward a more stable revenue base.

To begin with, in order for the state to close this fiscal year with a balanced budget, I am requesting an immediate increase in cigarette and alcohol taxes, corporate filing fees, and slot machine license fees. I am also requesting an immediate increase in the Business Activity Tax to $300. This increase will be applied to all businesses, and, unlike in the past, there will be no exceptions. Finally, I ask you to implement these changes by April 1 so that revenue can be realized this fiscal year. Second, to meet further revenue needs, I am proposing a 15-cent increase in property taxes and the creation of an admissions and amusement tax.

Tax increases are never popular. However, let me assure you, the vast majority of these taxes will only provide enough revenue to meet the basic needs of our state's growth. Growth means the 27,000 new kids in kindergarten through 12th grade, the 6,000 new students in the University and Community College System, the enormous increase in mandated caseloads for Medicaid and welfare, and the rising cost of health care benefits for public employees.

To further address the long-term structural budget problem facing Nevada, I am requesting that the Legislature increase gaming taxes and enact a new gross receipts tax on all companies doing business in our state. The gross receipts tax will impose a one-quarter percent levy on all Nevada businesses with gross revenues in excess of $450,000. This threshold exempts more than 60 percent of Nevada businesses and preserves our reputation as a great place to start a small business. Since the implementation of the gross receipts tax will take two years, the tax will need to be enacted this session in order to realize revenues in the following biennium. When the revenues from the gross receipts tax are realized, businesses will then see a reduction in the Business Activity Tax.

I want to take a moment to commend the business community in our great state for their hard work and commitment to our prosperity. I know that our business leaders love Nevada as I do. In our hour of need, I know they will honor their commitment to me and this Legislature to invest in the health and safety of our citizens, and the education of our children.

As you know, education isn't just on my agenda, it is my agenda. Education is crucial to the survival and success of every Nevada business. When I see Nevada's future, I don't see a state trailing the pack. I see a state that's become a vibrant center of learning and commerce. I see a state that competes and excels in areas of health care, banking, science, technology, and tourism. However, to realize that vision, we need to create a generation of young Nevadans with stronger, sharper, and more sophisticated skills. Therefore, I propose that we start at the beginning by providing full-day kindergarten for our children. Full-day kindergarten will deliver immediate, as well as long-term academic and social benefits, especially if we begin slowly, and we start in at-risk schools. Research and common sense tells us that full-day kindergarteners perform better on standardized tests and attain higher levels of achievement in reading and mathematics. Full-day kindergarten truly is the smart start, and I ask for your support.

We all know the quality of education we offer our students will only be as good as the quality of our teachers. Last session I recommended, and you passed, signing bonuses to attract the best and brightest new teachers to Nevada; look what happened. Those bonuses were decisive in addressing the shortage of teachers, particularly in Clark County, where two-thirds of all new teachers must be recruited from out of state. To remain competitive, my budget again contains a $2,000 signing bonus for every new teacher. With the arrival of 27,000 new students, Nevada cannot afford another teacher shortage. We must also address the immediate shortage of teachers in at-risk schools, and those who have training in math and special education. Therefore, I am asking you to support our superintendents' and school boards' requests for enhanced pay for these teachers.

We must also make right an area of chronic underfunding by investing in new textbooks, technology, and instructional supplies. We should not allow our students to go without books or to stand in line to use a computer. Nor should our teachers have to purchase needed supplies. Therefore, I am recommending, and asking you to support, $40 million to fund these needs.

Nevada suffers from some of the largest class sizes in the nation in grades four and up. Therefore, local school districts need more flexibility in implementing class-size reduction. The pilot project in Elko County proves that we can expand the benefits of class-size reduction with existing resources. Let us give local school districts maximum flexibility in determining the class sizes that best meet the needs of their students in all grades. I ask you to make this pilot project a statewide standard.

There is no single program I am more proud of than the Millennium Scholarships. Since the scholarships began in 2000, the percentage of Nevada high school students going on to college has jumped from 37 to 48 percent. A total of 15,000 Millennium Scholars are now enrolled in Nevada higher education, and we expect more than 7,000 new students next fall. These are 22,000 wonderful reasons to be optimistic about our future. These young men and women will be on the front line of a smarter, more highly skilled work force.

Let me take a moment to recognize two outstanding scholars, the first two Millennium Scholarship recipients to graduate from college. First, Melissa Tishk. She earned her bachelor's degree in communications from the University of Nevada, Las Vegas, in just 2½ years. Second, Dan Coming, who, at the age of 19, graduated *summa cum laude* in computer science at the University of Nevada, Reno. Melissa and Dan have a few important things in common. They are bright, focused, and will stay in Nevada to help us build a better future. Melissa and Dan, please

stand so we may acknowledge your hard work and success; Nevada is so proud of you. Thank you. Dan and Melissa are prime examples of why all young Nevadans should continue to have the opportunities that higher education provides.

It is critical that we build on our progress of higher enrollment in universities and community colleges, which are up 32 percent in the last six years. Enrollment in some math, science, and technology classes is up as much as 200 to 300 percent. We cannot afford to lose those hard-won gains. Therefore, my budget provides an additional $80 million for the University and Community College System to fund this growth and to offset the drop in the federal estate tax. To not provide this additional funding would be devastating to our College System.

I want to see higher education in Nevada become a center for research and new partnerships between business and academia. A key step to enhance higher education and economic development will be the new Science, Engineering, and Technology Center at UNLV. This project will be funded with $47 million in public dollars and $25 million in private funds; this is truly a wonderful partnership. This project includes the short-term benefit of new construction jobs, and the long-term benefit of an expanded academic facility in science, engineering, and technology—the wave of the future.

However, there are other steps we can immediately take to better the economy and create new jobs. Therefore, I support your action to combine the two Regional Transportation Commission's voter-approved ballot questions and pass them early.

Next week I will ask the Nevada Transportation Board to approve the sale of $200 million in new transportation bonds to jump-start highway construction projects throughout the state. In addition, I have included in my budget $325 million in transportation bonding authority over the next two years. This $524 million will allow us to complete the widening of U.S. 95 in Las Vegas, complete the Henderson Spaghetti Bowl project, complete the freeway from Reno to Carson City, and finish construction on the Carson City Bypass. These massive projects will provide a shot in the arm for our economy and create thousands of new jobs, as well as easing the horrific traffic problems in our more populated areas.

Another major priority of mine is the creation of a new mental health hospital in southern Nevada. This facility is crucial in order to meet the needs of citizens in the Las Vegas area and will provide a long-overdue solution to a chronic problem.

Last session you had the foresight to create the state's first special court to deal with mentally ill offenders. Now underway in Washoe County, this program offers real hope that these courts can save money and help some of our more fragile citizens. As a result of this program, the mentally ill are receiving needed treatment and medication instead of being incarcerated for minor offenses. I ask that we now provide a modest level of funding for this program. This is the right thing to do, and it is the right investment to make. Tonight I would like to recognize the legislators who led the charge and the judge who has helped implement this success. Please join me in thanking Senator Randolph Townsend, Assemblywoman Sheila Leslie, and Judge Peter Breen.

Judge Breen, along with Judge Lehman from Clark County, have been instrumental in another success: our drug courts. These programs provide nonviolent drug offenders with treatment so they can stay sober and stay out of our prison system. This not only saves us money, but it is the right thing to do. I have included funding for these two successful programs in my budget so their good work can continue.

During the last two legislative sessions, you voted to create and improve the Senior Rx program. We can be proud that we are now helping 7,500 senior citizens. However, we can and must do more. I am recommending in my budget that we immediately address the waiting list of some 1,500 senior citizens and make room for more. Further, we must raise the income threshold for couples, so that married seniors are not denied the benefits of Senior Rx. Therefore, I am asking you for $5 million to expand and enhance this wonderful, lifesaving program.

These are my recommendations to put us on the road to a better Nevada; however, they will not solve our problems indefinitely. Therefore, to further ensure the long-term prosperity of Nevada, I ask Chairman McGinness and Chairman Parks to carefully consider other revenue measures, such as changing the method of collecting property tax; allowing the state to benefit from the growth and value of real property; and changing the constitution to allow homes, commercial business, and land development to be taxed at different rates. I further request that

the Taxation Committees deliberate and give full consideration to professional, business, and discretionary service taxes to provide adequate revenue well into the future.

My fellow Nevadans, together we have a great and difficult distance to travel.

We must now travel a new road, a better road, and a more prosperous road. For now is the time for courage and a time for leadership. The popularity of my proposal is less important to me than the rightness of our course.

The state of our state is fragile, but I know our spirit and love for Nevada is not. The people of Nevada are independent, compassionate, and resilient. I have great confidence in their willingness to embrace change and to see this new road not as just a great challenge, but as a great opportunity, one that fulfills our responsibility to hand to our children a better Nevada. So tonight, let us all come together as Nevadans in a great spirit of unity and purpose and build a kind of Nevada where future generations will look back on this night and remember, "We seized the moment, we made the tough decisions, we did the right thing."

I am proud to be your Governor. God bless Nevada, and God bless America. Thank you, and good evening.

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

January 13, 2003

THE HONORABLE RICHARD PERKINS, *Speaker,* State of Nevada Assembly, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER PERKINS:

I am writing to request the honor of speaking before both houses of the Nevada State Legislature at 5:00 p.m. on Tuesday, February 18, 2003.

My Reno office will be coordinating the details of my visit. Please call Mary Conelly or June Schmidt at 775-686-5750 if you have any questions.

Thank you for your kind consideration.

With all best wishes,

Sincerely,
HARRY REID
United States Senator
Assistant Democratic Leader

UNITED STATES SENATE
WASHINGTON, D.C. 20510-2805

January 27, 2003

ASSEMBLYMAN RICHARD PERKINS, Nevada State Legislature, 401 South Carson Street, Legislative Building, Carson City, Nevada 89701

DEAR ASSEMBLYMAN RICHARD PERKINS:

I respectfully request that you allow me the privilege of addressing a joint session of the Nevada State Legislature on Wednesday, February 19, 2003, from 5:15 p.m. until 5:45 p.m.

Sincerely,
JOHN ENSIGN
United States Senator

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

January 8, 2003

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

DEAR SPEAKER PERKINS:

It would be my honor and pleasure to address a joint session of the Nevada Legislature at 5:15 p.m. on Thursday, February 20, 2003, to deliver a formal assessment of our Congressional Agenda and its impact on our state.

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

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

Sincerely,
JIM GIBBONS
Member of Congress

SUPREME COURT OF NEVADA
DEBORAH A. AGOSTI, CHIEF JUSTICE
201 SOUTH CARSON STREET

CARSON CITY, NEVADA, 89701-4702 January 14, 2003

THE HONORABLE RICHARD D. PERKINS, *Speaker Of The Assembly*, Nevada Legislature, 401 S. Carson Street, Carson City, NV 89701-4747

RE: State of the Judiciary Address
February 26, 2003
2003 Legislative Session

DEAR SPEAKER PERKINS:

As Chief Justice of the Supreme Court of Nevada, it is my privilege to request to address the Senate and Assembly of the State of Nevada. It is my understanding that both Houses will be available for this purpose on Wednesday, February 26, 2003, at 5:00 p.m., in the Assembly Chambers of the Legislative Building. If a conflict exists with this time and date, please contact my office.

The Supreme Court's reception for the Legislature will be held immediately following the Judiciary Address. We cordially invite the members of the Legislature to attend.

Thank you.

Sincerely,
DEBORAH A. AGOSTI
Chief Justice

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 23, 2003

JACQUELINE SNEDDON, *Chief Clerk Of The Assembly,* Legislative Building

DEAR MS. SNEDDON:

Pursuant to NRS 218.390(2) this office is transferring the following engrossed, and enrolled copies to return to the Assembly for consideration in the 72nd Legislative Session:

Assembly Joint Resolution 3 (71st Session)
Assembly Joint Resolution 8 (71st Session)
Assembly Joint Resolution 12 (71st Session
Assembly Joint Resolution 1 (17th Special Session)

If you have any questions in this regard, please do not hesitate to contact the Elections Division at (775) 684-5705.

Respectfully,
DEAN HELLER
Secretary of State

By: SUSAN BILYEU
Deputy Secretary for Elections

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

February 3, 2003

HONORABLE RICHARD D. PERKINS, *Speaker of the Assembly*, Nevada Legislature, 401 S. Carson Street, Carson City, NV 89701-4747

DEAR SPEAKER PERKINS:

As you're likely aware, an election contest of Assembly District 37 race was filed by Sandra June Vitolo.

In accordance with NRS 293.425, the contest of the general election for office of assemblyman was properly filed in this office within the time provided for the filing of such statements of contest.

On January 31, 2003, this office received a withdrawal of the contest. Enclosed for your convenience is a copy of the withdrawal and a copy of the election contest.

Pursuant to NRS 293.427(3), this office is accordingly dismissing this contest.

Respectfully,
DEAN HELLER
Secretary of State

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 3 of the 71st Session—Proposing to amend the Constitution of the State of Nevada to revise provisions governing the right to vote and to repeal an obsolete provision relating to the election of United States Senators.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 2 of the Constitution of the State of Nevada be amended to read as follows:

Section 1. All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the state six months, and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; *provided,* that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no ~~[idiot or insane]~~ person *who has been adjudicated mentally incompetent, unless restored to legal capacity,* shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex. The legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this state for President and Vice President of the United States.

And be it further

RESOLVED, That section 34 of article 4 of the Constitution of the State of Nevada is hereby repealed.

TEXT OF REPEALED SECTION

Sec. 34. Election of United States Senators. In all elections for United States Senators, such elections shall be held in joint convention of both Houses of the Legislature. It shall be the duty of the Legislature which convenes next preceding the expiration of the term of such Senator, to elect his successor. If a vacancy in such Senatorial representation from any cause occur, it shall be the duty of the Legislature then in Session or at the succeeding Session thereof, to supply such vacancy [.] If the Legislature shall at any time as herein provided, fail to unite in a joint convention within twenty days after the commencement of the Session of the Legislature for the election [of] such Senator it shall be the duty of the Governor, by proclamation to convene the two Houses of the Legislature in joint convention, within not less than five days nor

exceeding ten days from the publication of his proclamation, and the joint convention when so assembled shall proceed to elect the Senator as herein provided.

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

Motion carried.

By Assemblyman Hettrick:

Assembly Joint Resolution No. 8 of the 71st Session—Proposing to amend the Constitution of the State of Nevada to authorize the Nevada legislature to provide for the separate taxation of property whose development is restricted by an interstate compact for environmental purposes and to provide for an abatement of the tax upon or an exemption of part of the assessed value of undeveloped land or a single-family residence under certain circumstances.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 10 of the Constitution of the State of Nevada be amended to read as follows:

Section 1. 1. The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in section 5 of this article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The legislature may constitute ~~[agricultural]~~ *:*

(a) Agricultural and open-space real property having a greater value for another use than that for which it is being used ~~[, as a separate class]~~ *; and*

(b) Property the development of which is restricted pursuant to an interstate compact for the preservation and restoration of the natural environment of the region in which the property is located,

as separate classes for taxation purposes and may provide ~~[a]~~ separate uniform ~~[plan]~~ *plans* for appraisal and valuation of such property for assessment purposes. If such *a* plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when *the* agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used ~~[.]~~ *, or the property the development of which is restricted is subsequently developed.*

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the state.

10. The legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of undeveloped land or a single-family residence occupied by the owner, or both, to the extent necessary to avoid severe economic hardship to the owner of the land or residence.

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

Motion carried.

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 12 of the 71st Session—Proposing to amend the Constitution of the State of Nevada to establish an intermediate appellate court and revise the term of a person appointed to fill a vacancy in an office for supreme court justice, court of appeals judge or district judge.

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

Sec. 3A. 1. The court of appeals must consist of three judges or such greater number as the legislature may provide by law. If the number of judges is so increased, the supreme court may provide by rule for the assignment of each appeal to a panel of not less than three judges for decision.

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

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

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

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

Sec. 4. *1.* The supreme court ~~[shall]~~ *and the court of appeals* have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. *The legislature shall fix the jurisdiction of the court of appeals and, where appropriate, provide for the review by the supreme court of appeals decided by the court of appeals.* The *supreme* court

~~[shall]~~ *and court of appeals* also have power to issue writs of *mandamus*, *certiorari*, prohibition, *quo warranto* ~~[,]~~ and *habeas corpus* and also all writs necessary or proper to the complete exercise of ~~[its appellate]~~ *their* jurisdiction. Each ~~[of the justices shall have power to]~~ *justice of the supreme court and each judge of the court of appeals may* issue writs of *habeas corpus* to any part of the state, upon petition by, or on behalf of, any person held in actual custody ~~[,]~~ *in this state* and may make such writs returnable, before ~~[himself]~~ *the issuing justice or judge* or the ~~[supreme court,]~~ *court of which the justice or judge is a member,* or before any district court in the state or ~~[before]~~ any judge of ~~[said courts.]~~ *a district court.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The permanent commission;

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

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

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

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

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

(a) One resident of any county.

(b) Two members of the same political party.

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

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

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

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

2. The commission is composed of:

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

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

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

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

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

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

5. The legislature shall establish:

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

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

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

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

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

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

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

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

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

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

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

11. The commission may:

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

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

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

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

And be it further

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

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

And be it further

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

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

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

Motion carried.

By the Committee on Joint Rules:

Assembly Joint Resolution No. 1 of the 17th Special Session— Proposing to amend the Constitution of the State of Nevada to provide a citizens' commission to establish the salaries of certain elected officers, to remove the requirement that the system for county and township government be uniform, to remove the requirement that the Legislature fix the compensation of certain county officers, to authorize the Legislature to provide for the appointment of certain county officers and to require each board of county commissioners to determine the salaries of certain county officers in its respective county.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4, and sections 25, 26, 32 and 33 of article 4 of the Constitution of the State of Nevada be amended to read respectively as follows:

Sec. 33A. 1. The legislature shall provide by law for a citizens' commission on salaries for certain elected officers.

2. The commission must consist of seven members who have diverse personal and professional interests and reside in various geographical areas of this state of which:

(a) Five members are appointed jointly by the speaker of the assembly and the majority leader of the senate; and

(b) Two members are appointed by the governor.

3. Each member of the commission must be a resident of this state and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this section, the term of office of each member of the commission is 4 years. The speaker of the assembly and the majority leader of the senate shall jointly appoint two of the members first appointed for an initial term of 2 years. The governor shall appoint one of the members first appointed for an initial term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the commission may not serve more than two terms.

5. An appointing authority may remove a member of the commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The commission shall elect a chairman from among its members. Except as otherwise provided in this section, the commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the commission is required to take action.

7. Members of the commission are entitled to:

(a) The compensation provided by law for members of the commission on judicial discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The commission shall:

(a) Study the relationship of salaries to the duties of the members of the legislature, the governor, lieutenant governor, secretary of state, state treasurer, state controller, attorney general, justices of the supreme court and judges of the district courts;

(b) Compare the salaries of the elected officers set forth in paragraph (a) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(c) Fix the salaries of the elected officers set forth in paragraph (a); and

(d) Carry out any duties provided by the legislature.

9. The commission may increase, but not diminish, the salary of an elected officer set forth in paragraph (a) of subsection 8 during his term of office. The commission may exercise any powers conferred by the legislature.

10. The commission shall file its initial schedule of salaries for the elected officers with the secretary of state not later than January 1, 2005, and shall file a schedule of salaries not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries is effective for the period from the July 1 immediately following the January 1 that the schedule is due through the June 30 of the next odd-numbered year. The legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries.

11. Before the commission may file a schedule of salaries with the secretary of state, the commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the secretary of state, the commission shall adopt the schedule as originally proposed or as amended. All meetings of the commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

12. The legislative counsel bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries established by the commission and filed with the secretary of state.

Sec. 25. The Legislature shall establish a system of County and Township Government . ~~[which shall be uniform throughout the State.]~~

Sec. 26. The Legislature shall provide by law, for the election of a Board of County Commissioners in each County, and such County Commissioners shall jointly and individually perform such duties as may be prescribed by law. *The compensation of the members of the*

Board of County Commissioners of each County must be fixed by the Board of County Commissioners in each respective County.

Sec. 32. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people ~~[,]~~ *or their appointment* and fix by law their duties . ~~[and compensation.]~~ *The Board of County Commissioners of each county shall determine the compensation of those county officers in its respective county.* County Clerks shall be ex-officio Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

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

And be it further

RESOLVED, That section 15 of article 6 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 15. The Justices of the Supreme Court and District Judges shall each receive for their services a compensation to be fixed by ~~[law]~~ *the citizens' commission on salaries for certain elected officers pursuant to section 33A of article 4* and paid in the manner provided by law . ~~[, which shall not be increased during the term for which they shall have been elected, unless]~~ *If* a Vacancy occurs, ~~[in which case]~~ the successor of the former incumbent shall receive ~~[only such salary as may be]~~ *the salary* provided *for that office* by ~~[law]~~ *the citizens' commission on salaries for certain elected officers* at the time of his election or appointment . ~~[; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay such compensation.]~~

And be it further

RESOLVED, That section 9 of article 15 of the Constitution of the State of Nevada be repealed.

TEXT OF REPEALED SECTION

Sec. 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

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

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and Assembly for the 72nd Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly as amended by the 71st Session are adopted, with the following changes, as the Joint Rules of the Senate and Assembly for the 72nd Session of the Legislature:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

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

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

MESSAGES

Rule No. 2. Procedure Concerning.

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

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

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

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

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

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in

open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 5. Joint Sponsorship.

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

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

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

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

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

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

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

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

PRINTING

Rule No. 6. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution

of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

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

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

2. A concurrent resolution must be used to:

(a) Amend these Joint Rules.

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

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

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

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

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

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

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

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

VETOES

Rule No. 8. Special Order.

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

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

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

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

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

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

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

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

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

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

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

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

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

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

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

RECORDS OF COMMITTEE PROCEEDINGS

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

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

2. The secretary of a standing committee shall:

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

(b) Keep the records in chronological order; and

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

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the records;

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

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

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

~~[REAPPORTIONMENT AND REDISTRICTING~~

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

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

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

~~Rule No. 13.1. Equality of Representation.~~

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

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

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

~~Rule No. 13.2. Population Database.~~

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

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

~~Rule No. 13.3. Districts.~~

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

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

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

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

~~3. The chairmen of the redistricting committees are limited to one request each for a bill draft setting forth the specific boundaries of the state legislative districts, one request each for a~~

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

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

~~1. The redistricting committees will not consider a plan that discernibly violates section 2 of the Voting Rights Act, codified as 42 U.S.C. § 1973(a), which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.~~

~~2. The redistricting committees will not consider a plan in which the Legislature subordinates traditional districting principles to racial considerations and makes race the dominant and controlling rationale in drawing district lines. For the purposes of this subsection, "traditional districting principles" are those traditional redistricting principles that have been judicially recognized and include compactness of districts, contiguity of districts, preservation of political subdivisions, preservation of communities of interest, preservation of cores of prior districts, protection of incumbents and compliance with section 2 of the Voting Rights Act, 42 U.S.C. § 1973 (2).~~

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

~~Rule No. 13.6. Public Participation.~~

~~1. The redistricting committees shall seek and encourage:~~

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

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

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

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

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

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

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

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

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

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

(a) Two requests from each Assemblyman; and

(b) Four requests from each Senator, for the drafting of a bill or resolution.

2. Except as otherwise provided in subsections 4 and 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 22nd calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 22nd day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

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

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

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

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

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

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

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

8. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

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

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

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

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

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

(1) The 10th calendar day following delivery of the introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d), whichever is earlier.

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

(1) The 15th calendar day following delivery of the original introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d), whichever is earlier.

(c) If the bill requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day

following delivery of the original introductory copy of the bill. A bill revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d), whichever is earlier.

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

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

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

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

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

SCHEDULE FOR ENACTMENT OF BILLS

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

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

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

2. Final action on a bill may only be taken by the House of origin on or before the ~~[82nd]~~ *79th* calendar day of the legislative session.

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

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

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

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

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

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

2. A request submitted pursuant to subsection 1:

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

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

of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

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

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

Rule No. 14.5. Waivers.

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

2. A waiver granted pursuant to subsection 1:

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

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

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

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

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

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

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

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

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

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

Rule No. 14.6. Exemptions.

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

(a) Contains an appropriation; or

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

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt after it is printed. A notation of each exemption granted after the bill was printed must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all subsequent reprints of the bill.

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

3. A cumulative list of all bills determined *by the Fiscal Analysis Division pursuant to subsection 1 to be* exempt after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

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

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

(b) A bill returned from enrollment for a technical correction.

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

Rule No. 14.7. Amendments.

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

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

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

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

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

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

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

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

INTRODUCTION OF LEGISLATION REQUESTED
BY STATE OR LOCAL GOVERNMENT

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

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

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

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

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

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

Rule No. 18. Topics of Consideration.

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

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;

5. The effect the required coverage will have on the cost of health care provided in this state; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM FINDINGS AND RECOMMENDATIONS
OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

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

POLICY AND PROCEDURES REGARDING
SEXUAL HARASSMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

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

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

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

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

8. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting

between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

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

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

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

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

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

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

VOTE ON GENERAL APPROPRIATION BILL

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

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

USE OF LOCK BOXES BY STATE AGENCIES

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

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

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

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

Motion carried unanimously.

By the Committee on Elections, Procedures, and Ethics:

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

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 72nd Session of the Legislature of the State of Nevada: Diane Keetch, Lucinda Benjamin, Matthew Baker, Kathryn Fosnaugh, Harle Glover, Jason Hataway, Terry Sullivan, Robin Bates, Heidi Hansen, Meghan Jenkins, Beverly Mobley, Andrea Touyarot, Lucas Watson, Jeanne Douglass, Nanita Moore, Kathryn Alden, Lona Domenici-Reese, Julie Whitacre, Linda Corbett, Barbara Houger, Nenita Wasserman, Valorie Belknap, Kathryn Oetting, JoAnn Kula, Jerlyn Figearo, Alan Mills, Anne Williams,

Novella Kowallek, Yvonne Murphy, Eric Anderlohr, Reba Coombs, Nykki Kinsley, Cecile Crofoot, Marge Griffin, Joyce Hess, Sheila Sease, Jasmine Shackley, Jackie L. Valley, Connie Davis, Anne Bowen, Catherine Caldwell, Susan Cherpeski, Lila Clark, Linda Smith, Carol J. Thomsen, Cindy Clampitt, Patricia Hughey, Deborah Rengler, June Rigsby, Erin Channell, Kelly Fisher, William Fowler, Theresa Horgan, Victoria Thompson, JoAnn Aldrich, Patricia Blackburn, Sabina Bye, Nancy Elder, Corey Fox, Mary G. Garcia, Sharee Gebhardt, Nancy Haywood, Carrie Lee, Rosemary Zienter, Mary Bean, Toni Bouas, Marylou Burks, Jeanette Connolly, Celeste Gunther, Donna Hancock, Mary Kay Hines-Doherty, Tod Jennings, Millicent Jorgenson, Merla Keetch, Michelle Kennedy, Yhvona Martin, Carolyn J. Maynick, Toshiko McIntosh, Shawn Morgan, Linda Lee Nary, Ellen Nelson, Linda Paul, Helen Poupeney, Jerry Stacy, Claudette J. Thompson, Barbara Urbani, Loretta White, Maxine Milabar, Stephanie Elliott, Betty Gardner, Bruce Pfeiffer, June Bennett, Eddie Cordisco, Jr., Mary Carel, Jennifer Anzalone, Ken Beaton, Norm Budden, Myron Carpenter, Brandi Colunga, James C. Corbett, John Davis, Jr., Joyce E. Ghiselli, Don Hataway, Juanita Heston, Stephen Honey, Laverne LaFleur, Lois LaHair, Ray Mager, Bob Maynick, Reid Meyer, Jesse N. Pickett, Elizabeth Tetz, Frank Tetz, and W. Wayne Willson.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

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

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the sum to be allowed, as provided by law, for each member of the Assembly for periodicals, stamps and stationery is $60 and for the use of telephones is $2,800, and the sum to be allowed, as provided by law, for the Speaker, Speaker Pro Tempore, Majority Floor Leader, Minority Floor Leader and chairman of each standing committee of the Assembly for postage, telephone tolls and other communication charges is $900; and be it further

RESOLVED, That these amounts be certified by the Speaker and the Chief Clerk to the State Controller, who is authorized to draw his warrants therefor on the Legislative Fund, and the State Treasurer is thereafter authorized to pay these warrants.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 3—Adopting the Standing Rules of the Assembly for the 72nd Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules as amended by the 71st Session are adopted, with the following changes, as the Standing Rules of the Assembly for the 72nd Session of the Legislature:

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

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

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

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

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

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

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

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

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

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

(h) Sign all subpoenas issued by the Assembly.

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

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

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

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

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

Rule No. 2. Reserved.
Rule No. 3. Reserved.
Rule No. 4. Reserved.
Rule No. 5. Reserved.
Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

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

Rule No. 11. Open Meetings.

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

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the presiding officer shall be subject to an

appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 21. Portable electronic communication devices.

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

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

Rule No. 22. Reserved.

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

1. The Committee on Ethics consists of:

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

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

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

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the Committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the Committee during the consideration of a specific question.

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

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

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the Committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the Committee.

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

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

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

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

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

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

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

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

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

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

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

7. Only a member who:

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

(b) Is physically present within the Assembly Chambers,

may cast a vote in the Assembly.

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

Rule No. 31. Reserved.

Rule No. 32. Announcement of the Vote.

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

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

Rule No. 33. Voting by Division.

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

The next rule is 40.

V. LEGISLATIVE BODIES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

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

Rule No. 41. Appointment of Committees.

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

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

Rule No. 42. Committee Action.

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

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

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

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

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

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

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

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

Rule No. 43. Subcommittees.

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

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

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

Rule No. 45. Procedure for Election Contests.

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

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

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

4. ~~[The]~~ *If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the* Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

Rule No. 46. Committee Action on Reports.

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

Rule No. 47. Committee Records.

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

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

Rule No. 48. Disposition of Committee Records.

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

Rule No. 49. Committee Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chairman, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair and furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness.

Rule No. 50. Reserved.

Rule No. 51. Reserved.

Rule No. 52. Concurrent Referrals.

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

The next rule is 60.

VI. RULES GOVERNING MOTIONS

Rule No. 60. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. ~~[If desired by the presiding officer or any member, the motion must]~~ *The presiding officer, upon his own motion or at the request of a member, may direct that the motion* be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

Rule No. 61. Reserved.

Rule No. 62. Reserved.

PARTICULAR MOTIONS

Rule No. 63. Reserved.

Rule No. 64. Reserved.

Rule No. 65. Indefinite Postponement.

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

Rule No. 66. To Strike Enacting Clause.

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

Rule No. 67. Division of Question.

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

Rule No. 68. To Reconsider—Precedence of.

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

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

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

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

Rule No. 81. Previous Question.

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

Rule No. 82. Privilege of Closing Debate.

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

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 90. Mason's Manual.

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

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

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

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

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the

committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the legislative building, appear in the Daily History and be made available to the news media. The Daily History must include the most current version of the notice that is available at the time the Daily History is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

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

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

Rule No. 93. Reserved.

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

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

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

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

Rule No. 96. Peddling, Begging and Soliciting.

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

2. No part of the Assembly Chamber may be used for, or occupied by signs or other devices for any kind of advertising.

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

Rule No. 97. Petitions and Memorials.

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

Rule No. 98. Request of Purpose.

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

Rule No. 99. Remarks.

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

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada.

2. The Statutes of the State of Nevada.

3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

4. Mason's Manual of Legislative Procedure.

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

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

1. Motions to fix the time to which the Assembly shall adjourn.

2. Motions to adjourn.

3. Questions relating to the rights and privileges of the Assembly or any of its members.

4. A call of the House.
5. Motions for special orders.

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Substitute Bills.

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

Rule No. 106. Skeleton Bills.

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

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

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

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

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

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

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

Rule No. 111. Consent Calendar.

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

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he requests the removal of a particular bill from the Consent

Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

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

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

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings must be placed upon a General File, to be kept by the Chief Clerk. Bills must be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed, bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

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

Rule No. 116. Vetoed Bills.

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

Rule No. 117. Reserved.

C. RESOLUTIONS

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

The procedure of enacting joint resolutions must be identical to that of enacting bills ~~[. However, joint]~~ *, except that:*

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and

2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

Rule No. 119. Reserved.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

Rule No. 121. Reserved.
Rule No. 122. Renumbered as Rule No. 102 and reserved for future use.
Rule No. 123. Renumbered as Rule No. 82 and reserved for future use.
Rule No. 124. Reserved.
Rule No. 125. Reserved.
Rule No. 126. Renumbered as Rule No. 116 and reserved for future use.
Rule No. 127. Reserved.
Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

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

Rule No. 141. Use of the Assembly Chamber.

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

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

PREFILED BILLS

By the Committee on Commerce and Labor:

Assembly Bill No. 1—AN ACT relating to cosmetology; repealing the prohibition against a cosmetological establishment engaging primarily in the

business of cutting men's hair or representing to the public that it primarily engages in the business of cutting men's hair; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 2—AN ACT relating to intellectual property; limiting the right of an employer to own certain intellectual property developed by an employee; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Gibbons:

Assembly Bill No. 3—AN ACT relating to public employees; requiring a paid leave of absence of certain duration for public officers and employees who donate bone marrow or certain organs; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Gibbons (by request):

Assembly Bill No. 4—AN ACT relating to wildlife; decreasing the amount of time a person who is 65 years of age or older must reside in this state to qualify for a reduced fee for a license to hunt, fish, or hunt and fish; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 5—AN ACT relating to public welfare; requiring the Director of the Department of Human Resources to include in the State Plan for Medicaid a requirement that young adults who have "aged out" of foster care are eligible for Medicaid; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 6—AN ACT relating to children; changing the dates by which each mental health consortium is required to prepare a recommended plan for the provision of mental health services to certain children and submit

the plan to the Department of Human Resources and to the Legislative Committee on Children, Youth and Families; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Manendo:

Assembly Bill No. 7—AN ACT relating to driving under the influence of alcohol or a controlled substance; reducing the concentration of alcohol that may be present in the blood or breath of a person while operating a vehicle or vessel; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Manendo:

Assembly Bill No. 8—AN ACT relating to crimes; providing that certain conduct involving shaking a child constitutes physical injury for the purpose of child abuse and neglect; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 9—AN ACT relating to tort actions; requiring that damages awarded in certain actions be reduced by the amount of any benefit received from a collateral source; limiting the amount of noneconomic damages that may be awarded in certain actions; providing for periodic payments of future economic damages in certain actions; limiting the fees of attorney in certain actions; extending the period of limitations for commencing an action for product liability; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 10—AN ACT relating to crimes; repealing the prohibition against a person refusing to relinquish a party line for an emergency call or securing the use of a party line by falsely stating that it is needed for an emergency call; repealing the prohibition against a person pasturing livestock in a cemetery; repealing the prohibition against a person shearing sheep within a city or town; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 11—AN ACT relating to vandalism; providing an increased penalty for certain repeat offenses involving vandalism; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 12—AN ACT relating to tobacco; revising provisions regarding the policy that a person who sells or distributes tobacco or certain products related to tobacco through the use of the Internet must adopt to prevent a child from obtaining such products; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 13—AN ACT relating to criminal procedure; eliminating the panel of judges that conducts the penalty hearing in certain cases in which the death penalty is sought; requiring district courts and district attorneys to submit certain information to the Supreme Court concerning cases involving homicide; requiring the Supreme Court to prepare and submit an annual report providing a summary and analysis of that information to the Legislature; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 14—AN ACT relating to crimes; revising the order in which the arguments are presented during the penalty hearing when the death penalty is sought; revising the aggravating circumstances for murder of the first degree; revising provisions concerning mitigating circumstances in cases of murder of the first degree; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 15—AN ACT relating to crimes; prohibiting a sentence of death for a person who is mentally retarded; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 16—AN ACT relating to crimes; providing for genetic marker analysis of certain evidence relating to the conviction of certain offenders who have been sentenced to death; providing for a stay of execution pending the results of the analysis; requiring a court to arrest judgment if such an analysis is favorable to the petitioner; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 17—AN ACT relating to criminal procedure; increasing the presumptive limits for attorneys' fees in first degree murder cases; increasing the presumptive limits for ancillary expenses in criminal proceedings; requiring the court to appoint certain persons to assist in the defense of a person in certain cases involving murder of the first degree; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 18—AN ACT relating to supervision; requiring the posting of a bond by probationers and parolees who request permission to reside in another state; enacting provisions governing the forfeiture and distribution of such bonds under certain circumstances; providing for the establishment of standards and adoption of regulations concerning such bonds; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Chowning:

Assembly Bill No. 19—AN ACT relating to motor vehicles; providing for the issuance of "United We Stand" special license plates; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 20—AN ACT making an appropriation from the State Highway Fund to the Department of Motor Vehicles for the creation and maintenance of a branch office in Wendover; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywomen Giunchigliani and Gibbons:

Assembly Bill No. 21—AN ACT relating to Oriental medicine; defining the term "accredited"; revising the qualifications for members of the State Board of Oriental Medicine; revising the requirements for a license to practice Oriental medicine; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Koivisto:

Assembly Bill No. 22—AN ACT relating to nursing; defining certain terms related to the regulation of nursing; revising the requirements for the licensure of nurses; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 23—AN ACT relating to public officers; increasing the compensation of district attorneys and sheriffs; providing for such increase in compensation to be paid retroactively; authorizing a county to request and receive a waiver from the increases in compensation in the event of insufficient financial resources; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 24—AN ACT relating to occupational licensing boards; providing primary jurisdiction for the Attorney General to prosecute crimes relating to the practice of certain occupations and professions; expanding the authority of the Attorney General to bring civil actions relating to such

occupations and professions; requiring the awarding of attorney's fees, court costs and other costs relating to the investigation and prosecution of such civil and criminal actions; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 25—AN ACT relating to children; authorizing an agency which provides child welfare services to enter into agreements with certain persons for the provision of maintenance and other services; authorizing an employee of such an agency to provide maintenance and special services to certain children under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 26—AN ACT relating to tort actions; providing immunity from liability to certain governmental entities and actors for damages caused by equipment or other personal property donated by any of them to a volunteer fire department; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 27—AN ACT relating to child support; revising the method for adjusting the presumptive maximum amounts of child support owed by noncustodial parents; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Anderson:

Assembly Bill No. 28—AN ACT relating to adoption; providing a procedure for parties to an adoption to enter into an enforceable agreement that provides for post-adoptive contact; providing the procedure to modify such an agreement; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 29—AN ACT relating to administrative assessments; providing for an additional administrative assessment to be collected in cases involving a misdemeanor to pay for certain programs established by district courts; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman McClain:

Assembly Bill No. 30—AN ACT relating to motor vehicles; making various changes to the provisions governing the registration of motor vehicles by new residents of this state and the issuance of drivers' licenses to such persons; removing the provision which directs the issuance of certain pro rata refunds for registrations transferred or canceled under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Collins:

Assembly Bill No. 31—AN ACT making an appropriation to Lincoln County for the improvement of facilities at the fairgrounds in Panaca; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 32—AN ACT relating to energy; requiring a customer of a public utility or alternative seller to pay certain taxes, fees and assessments relating to the purchase of natural gas or energy, capacity or ancillary services under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Horne:

Assembly Bill No. 33—AN ACT relating to crimes; providing for an additional penalty to be imposed upon a person who is convicted of manufacturing methamphetamines in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin and Anderson; Senator Amodei:

Assembly Bill No. 34—AN ACT relating to substances causing impairment; providing that once a person has been convicted of a felony for operating a vehicle or vessel while under the influence of alcohol or a controlled substance, any subsequent violation is treated as a felony; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 35—AN ACT relating to the State Legislature; changing the membership of the Advisory Committee of the Legislative Committee for Local Government Taxes and Finance; eliminating the subcommittee of the Legislative Committee appointed to conduct a study of the cost to the counties and incorporated cities in this state of maintaining highways, streets and roads; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 36—AN ACT relating to air pollution; revising the provisions governing the program established by the State Environmental Commission for the regulation of smoke and other emissions by inspection of certain heavy-duty motor vehicles; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Gibbons:

Assembly Bill No. 37—AN ACT relating to insurance; revising the applicability of a certain reduction in the premiums of certain policies of insurance related to motor vehicles; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 38—AN ACT relating to statutes; ratifying technical corrections made to sections of NRS and to multiple amendments of sections of NRS; correcting the effective date of, correcting and clarifying certain

provisions in and repealing certain provisions in Statutes of Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 39—AN ACT relating to the revision of statutes; directing the Legislative Counsel to resolve all nonsubstantive conflicts between legislative acts and give effect to multiple amendments to a single section of the Nevada Revised Statutes; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 40—AN ACT relating to civil practice; extending the period of limitations for commencing a civil action that has been dismissed on grounds other than on the merits; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Collins:

Assembly Bill No. 41—AN ACT relating to wildlife; converting the Division of Wildlife of the State Department of Conservation and Natural Resources into the Department of Wildlife; providing that the Department is under the control of the Board of Wildlife Commissioners; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Clyda H. Anderson, Natha Clyde Anderson, Carolyn P. Hooper, Lani Anderson, Edward P. Anderson, Jr., Edward P. Anderson, Sr., Kelly Gardner, Rick Gardner, R. J. Gardner, Becca Gardner, Whitney Gardner, Michael Gardner, Lynn Peterson, and Breanna St. Angelo.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Elsbeth Andonov, Viktor Andonov, Beth Lowe, Leo Moschioni, Avnish Bhatnagan, Brenden Scherr, Lydia Scherr, and Leah Scherr.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Ted Angle, Alan Mills, Pastor John Reed, Bill Fiedrich, Frank Kengle, and Nellie Butler.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to James Atkinson, Haley Atkinson, Mary Atkinson, Clarence Williams, Beverly Campbell, Barbara Atkinson, Blair Atkinson, Tyrone Thompson, Larissa Shaw, and Dominique Shaw.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Sarah Beers, Kyle Beers, Frank Beers, Pat Beers, Ken Johnson, Grace Johnson, and Sandra Vitolo.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Chan Kendrick, Ford Kendrick, Tina Prieto, Gillian Prieto, Carol Loomis, Candace Ruisi, Wayne Pressel, Edith Buckley, Aiden Kendrick, and Barbara Houger.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Kristina De Forest and Susan Rucker.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to David Stout, Maureen Stout, Judy Benet, Don Benet, William Fowler, Laurie LeWarne, Jerri Sampson, Ken Sampson, Steven Sampson, Jackie Valley, Marji Paslov Thomas, David Stout, Jr., Karen Stout, and Elmer Chowning.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Christensen, Cole Christensen, Reed Christensen, Ray Christensen, Marilyn Christensen, Anita Canfield, Steve Canfield, Margie McMichael, Collette Thompson, Chad Christensen, Clarke Christensen, and Cooper Christensen.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Claborn, William C. Waggoner, Micky Adams, Steve Billy, Dale Vawter, Bob Burns, and Fred Young.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Collins and Marilyn Kirkpatrick.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Boutin, Carl Conklin, Jr., Anita Conklin, Carl Conklin, Debbie Conklin, Mijanne Conklin, Ken Paul, Sue Paul, Mark Destefano, B. J. Dugan, George Dugan, and Christina Dugan.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Cindie Geddes, Joe Geddes, Peggy Geddes, James Geddes, Sharon Nichols, Charles Nichols, Aaron Geddes, Dagmar Schultz, Kayden Geddes, Marcia Vinson, Stefanie Utz, Gordon Utz, Vivian Hobbs, Theresa Hobbs, Antonio Inserra, Jay Parmer, Ardis Parmer, Arjun Dhingra, Buzz Harris, Steve Leden, Rita Leden, and Mellisa Clament.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Price, Lyndsey Munn, and Loretta White.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Gray, Marge Griffin, Kelly Fisher, Myrna Giunchigliani, Jeanne Hagens, and Jacque Pellam.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Gladys Goicoechea and Naomi DiMartino.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Hon. Bert Goldwater, Joan Tuntland, Mary Goldwater, and Nancy Goldwater.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Grady, Cady Cordes, Addyson Harmon, Tina Cordes, Gary Cordes, Sean Cordes, Taylen Cordes, Paul Harmon, Tami Harmon, Jace Harmon, Tim Grady, Fernando Serrano, Jane Ripley, Sam Matheny, Maureen Macrander, Rita Phelps, and George Phelps.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Reenie Griffin, Bennett Griffin, Sarah Griffin, Jeff Griffin, Marna Griffin, Doyle Sutton, Ann Sutton, Harrison Griffin, Graham Griffin, Jordan Griffin, Monet Griffin, George Harding, and Janeece Harding.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Stacy, Cindy Bush, Martin Herman, Don V. Gustavson, Don Gustavson, Donna Gustavson, Lee R. Gustavson, Glenda Mixer, Jill Dickman, Kayla-Lee Saulnier, Stephanie Stalcup, and Neil Connolly.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Hardy, Ryan Hardy, Homer Hardy, Beverly Hardy, and Donna Christiansen.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nenita Wasserman, Tiffany Hettrick, Erin Russell, Suemi Atherton, Monte Walters, Eric Cooper, Linda Cooper, Sue Robertson, Kevin Child, Connie Davis, Charlotte Adams, and Becky Wood.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Horne, unborn son, William Henry Horne, II, Mary Jackson, and Joel Mann.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Knecht, Lela Knecht, Christena Jensen, Glen Berlin, Karyn Knecht, Bill Hackmann, Joyce Houle, Bob Houle, Carolyn Harrison, Jim Harrison, David Harrison, Donn Simons, Dianne Masayko, Larry Osborne, The Honorable Mayor Ray Masayko, The Honorable Al Kramer, and Jeanne Simons.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Johnson, Andrew Koivisto, Emma Koivisto, and Victor Koivisto.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Benitec and Bob Fulkerson.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Sheri Mabey, Alicia Mabey, Rebecca Mabey, Sarah Mabey, Camille Mabey, Jacob Mabey, Rex Mabey, Peggy Mabey, Marsha Fernandez, Jim Fernandez, David Tanner, Kyle Stephens, Julie Tanner, Tim Tanner, and Diana Stephens.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Yang and David K.C. Chien.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Wilberta Marvel, Bill Brainard, Marilyn Brainard, Michelle Slagle, Delanie Slagle, Sharon Andreasen, Dustin Marvel, and Yhvona Martin.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Dave McClain.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Verna McCleary and Alexander McCleary.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Helen Mortenson.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Mertins, Greg Clemens, Carla Clemens, Christopher Clemens, Benjamin Clemens, Steven Hansen, Eileen Montgomery, Stephanie Boixo, Jacob Clemens, and Aaron West.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to James Ohrenschall, Frank Daykin, and Steve Sampson.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Perkins, Nicole Sayles, Shirley Perkins, John Smith, Dawn Mackelprang, Craig Mackelprang, Josh Mackelprang, Matt Harrison, Brian Weideman, Stephanie Weideman, Rikki Perkins, and Ashley Perkins.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Geoffrey Pierce, Virginia Pierce, Catherine Moyer, Caroline Moyer, Daniel Moyer, Bryon Moyer, Sam Hogan, and Elizabeth Cameron.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Sherer, Cody Sherer, Sarah Sherer, Alice Eychaner, Laura Billman, Patty Chipman, Paul Willis, John Timmerman, Dawn Timmerman, Fallon Merbs, and Pat Bain.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Pete Weber, Connie Weber, Lee Weber, Michael Weber, Bonnie Weber, Carolyn Grant, Sharon Ball, and Matthew Weber.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Zelda Williams, Sandy Tolas, and Tya Mathis.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, February 4, 2003, at 11:00 a.m., and that it do so in memory of the crew of the STS-107 Space Shuttle Columbia.

Motion carried.

Assembly adjourned at 3:07 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SECOND DAY

CARSON CITY (Tuesday), February 4, 2003

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Lord, it's that time once more, so here we are again. Same time. Same place. Some of our faces are different, but our request is the same. I thank You for these men and women and their desire to serve. Please grant them wisdom and grit along with grace and compassion. And, oh yes, Lord, we'll need humor for the next several months, so please grant us that, too. May we remember why we are here, and may we remember You.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 3, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 42—AN ACT relating to motor vehicles; requiring a driver of a motor vehicle to stop in obedience to the direction or traffic control signal of a school crossing guard; prohibiting the driver from proceeding until the highway is clear of all persons; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 43—AN ACT relating to property; authorizing the units' owners in certain common-interest communities to have delegates or representatives exercise their voting rights; authorizing a penalty to be imposed against a unit's owner for failing to adhere to a schedule for certain construction related to the unit; authorizing a unit-owners' association to place and foreclose a lien on a unit for failure to pay such a penalty under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 44—AN ACT relating to motor vehicles; providing for the issuance of special license plates for the Kerak Shrine, Ancient Arabic Order, Nobles of the Mystic Shrine of North America, which is located in Reno, Nevada, or its successor; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 1.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 1:

YEAS—42.

NAYS—None.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Senate Bill No. 1 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblywoman Buckley moved that KLAS-TV: Brandon Eisenberg; LAS VEGAS REVIEW-JOURNAL: Lisa Bach, Joelle Babula, Amy Bennett, Kevin Cannon, Jan Moller, Jane Ann Morrison, Natalie Patton, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

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

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 4, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblymen Giunchigliani, Anderson, Buckley, Perkins, Christensen, Griffin, and Hettrick as a Select Committee on Credentials, with Assemblywoman Giunchigliani to serve as Chairman.

Senate Concurrent Resolution No. 1.

Assemblyman Beers moved the adoption of the resolution.

Remarks by Assemblymen Beers, Buckley, Gibbons, and Anderson.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Williams and Giunchigliani:

Assembly Bill No. 45—AN ACT relating to education; providing for the adjustment of state funding to school districts when pupils drop out of school after the count of pupils is calculated; requiring the State Board of Education to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Reverend Marvin Gant, Anita Gant, Ann Gant, Sarah Gant, John Gant, Caryl Gobel, Alan M. Myers, M.D., Linda West Myers, and Ed Gobel.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Marlyn Scholl.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, February 5, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:59 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRD DAY

CARSON CITY (Wednesday), February 5, 2003

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Our Father in Heaven, as Your people of old marched up to their capital city, Jerusalem, they sang: "Unless the Lord guards the city, the watchman keeps awake in vain." As we stand here today in our capital city, I don't sing it, Lord, but I request the same. Please guard and bless our city, our state, and our nation. Unless you do, Father, it's all in vain. In Your Holy Name I pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Grady, Collins, Goicoechea, Hettrick, Koivisto, Marvel, McClain, and Sherer:

Assembly Bill No. 46—AN ACT relating to counties; removing the provision requiring additional notice of a meeting of the board of county commissioners to be held outside the county seat; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Giunchigliani (by request):

Assembly Bill No. 47—AN ACT relating to higher education; requiring the Legislative Auditor to conduct an audit of the University and Community College System of Nevada and the Board of Regents of the University of Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 48—AN ACT relating to labor; providing expressly that the duties of the Labor Commissioner include the enforcement of certain provisions related to labor without regard to whether a person is lawfully or

unlawfully employed; providing expressly that the provisions relating to compensation, wages and hours include persons unlawfully employed by revising the definition of "employee"; providing expressly that the provisions relating to occupational safety and health include persons unlawfully employed by revising the definition of "employee"; providing expressly that the provisions relating to public works projects include persons unlawfully employed by revising the definition of "workman"; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that the action whereby Assembly Bill No. 47 was referred to the Committee on Elections, Procedures, and Ethics be rescinded.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 47 be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that KNPB-TV: Janice Baker; NEVADA APPEAL: Maria Dal Pan, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dylan Shaver.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to April R. West.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Hansen and Sienna Reid.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Ashlee Hicks and Ashley Smith.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Wilson.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Garth Winckler.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, February 6, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:25 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday), February 6, 2003

Assembly called to order at 11:16 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Reverend Bruce Henderson.

Father, we come to You today in difficult times. Our nation is in a time of war as well as a time of national bereavement. Our state is in financial hardship. And, here we are. What can we do? Where can we turn? We cry out with King David of old, "To Thee, O Lord, I lift up my soul." Please hear us and help us. Thank You.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

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

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:22 a.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

By Assemblymen Perkins, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber and Williams; Senators Rawson, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 2—Memorializing the victims of the events of September 11, 2001.

WHEREAS, On September 11, 2001, terror struck the heart of America, but that terror found no resting place in the hearts of Americans who, in the moments and days following the first realization that our country had been attacked, countered with courage and an outpouring of love and compassion that evidence the best of our great Nation; and

WHEREAS, We will not forget the shocking events of that Tuesday morning in September 2001, and we will not forget the stories of heroism and determination that unfolded in New York City, at the Pentagon and in the skies over Pennsylvania as ordinary people faced the most frightening circumstances one could possibly imagine and met the challenge by risking their own lives in heroic attempts to help others; and

WHEREAS, By their examples, we have learned from these heroes how to respond to evil with good, and to respond to terror with love, and in remembering their selflessness, we are given the strength to continue to reach out to the people we meet each day with kindness and respect; and

WHEREAS, We, as Americans, have been blessed with democracy and freedom, and endowed with the gift to do good, and the responsibility to do no less; and

WHEREAS, From the Civil War to the Great Depression to World War II, American life has always been about facing challenges and rising up together to set a shining example of a society based on equality, freedom and tolerance; and

WHEREAS, As we struggle with the loss of so many lives, 2,801 at the destruction of the World Trade Center Towers, 184 at the attack on the Pentagon, and the 40 passengers and crew members of United Airlines Flight 93, each with a face and a name, and families and friends who loved them, we also recognize our own mortality and take the opportunities presented each day to express our love and appreciation for those around us, and make the most of the days remaining for each of us; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That united in our national mourning, we will remember every family that lives in grief and we pray that their sorrow is fading even as the thoughts of their loved ones remain as cherished and comforting memories; and be it further

RESOLVED, That the thousands of innocent victims whose lives were brought to a tragic and horrifying end by evil too terrible for most to comprehend, will be honored by our common and unending pursuit of freedom and peace in the world, and by our continued dedication to public service and respect for all humanity.

Assemblyman Atkinson moved the adoption of the resolution.

Remarks by Assemblymen Atkinson, Anderson, Chowning, Ohrenschall, Perkins, and Angle.

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

ASSEMBLYMAN ATKINSON:

Thank you, Mr. Speaker pro Tempore. Since the attacks on our great nation on September 11, we have seen people come together and exhibit great patriotism and compassion. For these reasons I move that our body adopt ACR 2.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker pro Tempore. I rise in support of the resolution. The tragedy of that day is important for us to recognize because of the people: the fire departments that rushed into the twin towers, the people aboard those planes, and the heroic efforts of all the people in Pennsylvania.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker pro Tempore. I proudly rise in support of ACR 2. That day will be one of those days we will never, never forget, nor will we forget where we were when this devastating attack on our nation occurred. Those who thought that they were going to devastate our country and divide us and make us fall were sadly, and gladly, defeated. No, in fact, they did just the opposite. Our nation has never been so unified, nor have we seen so many of our flags being prominently displayed other than on Election Day or on the 4th of July. It makes me very proud and very sad that something like this occurred and it took that to unify our citizens. I proudly rise in support of this and I am very glad that our Legislature is taking this opportunity to say that we are so proud of the 3,000 and some victims who gave their lives on that day, and I proudly honor those heroes.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of this resolution. I think it is very important that we never forget the destruction that was wrought. But, at the same time that we realize we are a strong nation bonded in love, brotherhood, and understanding, and we who have survived in this nation have rededicated ourselves to the principles for which this nation was created, which our founding fathers fought for, which every other group of our American servicemen fought for through the years, and we really want to have hatred defeated around the world and just go on from there. Thank you.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of the resolution. I remember that day very, very well, in that it was a morning just like any other. Getting up, preparing for the workday, when my wife, who is an earlier riser than I am, came in to explain what she saw on the television. An aircraft had struck one of the World Trade Center towers. I joined her in watching the events unfold and literally, while we were trying to follow the news, was watching when the second aircraft struck the second tower. Knowing at that point that things were going to change that day, significantly, we accelerated our rate of preparedness. I found myself having an emergency staff meeting at the police department regarding things that we'd do in law enforcement and, ultimately, spending a great deal of time at the Las Vegas Field Office of the FBI trying to figure out what was going on and how we were going to ensure the safety of the citizens that we were responsible for. All this, and everything since, certainly changed the world as we know it. It's a different place than it ever was, but there are some good things that have come from it. Certainly the patriotism that we see today, I think, always existed in our country but it has found a stronger foundation and more expression. As the resolution says, it is very important that we remember that day like none other. The term "9/11" will always have a different meaning now, and whatever we can do to prevent a future event, and whatever we can do to help through remembrance and prayers of the families and friends of those that were struck by this tragedy, I think, will be of benefit for us as a country and as a world. With that I urge the support of this resolution. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 2, as well. We were at the World Trade Center, many of us, just a month before this happened. So it was with disbelief and horror that we watched. I think, as we memorialize those who were victims, we need to remember those who went to their aid as well, some from our own state. My brother-in-law works with the Red Cross and the Salvation Army, and this past year he has spent many long hours in New York City working at the Salvation Army providing meals for those who were going through the rubble. It's a horrible thing to think of, that we have to pick up the pieces after something like this, but I want to recognize that Nevadans played their part as well. As my colleague from the South noted, it has pulled us together as a nation, but also has sent representatives from each one of the states to New York. We go to the aid of our brothers and sisters in other states and I think that it is through these challenges, these times of hardship, that our nation does pull together.

I think that as we look toward possibly another occurrence and a war, that we will see a nation pulling together once more. I thank you, Mr. Speaker pro Tempore, for allowing me to say these things.

Resolution adopted unanimously.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 2 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Griffin and Hardy:

Assembly Bill No. 49—AN ACT relating to energy; revising the definition of renewable energy to include waterpower for the purposes of the portfolio standard for renewable energy for certain providers of electric service and for net metering and optional pricing; and providing other matters properly relating thereto.

Assemblyman Griffin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Koivisto, McClain, Ohrenschall, Parks, Chowning, Atkinson, Buckley, Claborn, Collins, Conklin, Goldwater, Leslie, Manendo, McCleary, Pierce, and Williams; Senator Carlton:

Assembly Bill No. 50—AN ACT relating to statutes of limitation; reviving for a limited time certain causes of action based on the effects of silicone that is injected or implanted into the body; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Koivisto, Gibbons, McClain, Parks, Anderson, Atkinson, Buckley, Chowning, Claborn, Collins, Conklin, Goldwater, Horne, Leslie, Manendo, McCleary, Ohrenschall, Sherer, and Williams:

Assembly Bill No. 51—AN ACT relating to public health; prohibiting a person, under certain circumstances, from requesting or requiring the consent or concurrence of any person to carry out an anatomical gift made by the donor; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:35 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 2.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 2.

Assemblyman Knecht moved the adoption of the resolution.

Remarks by Assemblymen Knecht, Gibbons, Griffin, and Carpenter.

Assemblyman Knecht requested that the following remarks be entered in the Journal:

ASSEMBLYMAN KNECHT:

Thank you, Mr. Speaker pro Tempore. President Ronald Wilson Reagan, starting from modest beginnings that represent a wide cross section of American culture, worked throughout his life serving freedom and advancing the public good. As this resolution notes, in 1981, when President Reagan was inaugurated, he inherited a disillusioned nation shackled by rampant inflation and high employment. By 1984, his reelection theme was, "It's Morning in America!" It truly was morning in America. The unity, the sense of purpose, the amiability, the sense of humor and goodwill he brought to the task of being President led us to something we will need here in this Chamber in the coming days. I am privileged to note that the Speaker and other members have been trying diligently to forge that same sense in this House in recent days as we begin our work.

Mr. Speaker pro Tempore, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods. It is especially appropriate this week to honor Ronald Reagan. After the Challenger disaster in 1987, he spoke comfortingly to the nation, setting the model for President George W. Bush this week as he spoke to the nation and led us in mourning in the wake of the Shuttle Columbia disaster.

Mr. Speaker pro Tempore, President Ronald Wilson Reagan's legacy is celebrated as defeating the evil empire of communism, restoring our national pride, and ending economic malaise by cutting taxes.

Lastly, Mr. Speaker pro Tempore, as a small-town boy from downstate Illinois named Ronald, who came west as a young man to prosper eventually in politics, I feel a special affinity for Ronald Wilson Reagan and I urge all of you to join me in this proclamation and in sending President Reagan and Nancy Reagan our good wishes. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker pro Tempore. I rise in support of this resolution, honoring our former President on his 92nd birthday. However, nine years ago when he was just 84, he brought forth the cause of Alzheimer's by coming out publicly. We can only assume 2 million people had Alzheimer's at that time. I think, as a result of his courage to come out and be frank with the American public, and to let them know how devastating this disease can be, 25,000 Nevadans have benefited from increased education. As such, we also want to remember that the fight is never over and we must continue to look for ways to help people with this deadly disease, which is the longest way of saying goodbye.

ASSEMBLYMAN GRIFFIN:

Thank you, Mr. Speaker pro Tempore. I do rise in support of this resolution. Before this legislative session began, the only other time I had been able to sit in this Body was as a member of Boys' State. I think most of us are familiar with the Boys' State program. It's where senior high school students all across Nevada can gather and learn about their state government. One of the blessings I got from going to Boys' State was being selected to go to Boys' Nation, a similar

program where two boys from every state gather in Washington, D.C., and learn about the federal government. One of the memories I took from that, probably the greatest memory—and for me it was a week full of memories— was a chance to go to the White House, take the tour, and then go to the Rose Garden and actually have a 20-minute "sit-down" with Ronald Reagan. A hundred boys from all across the country and President Reagan. It was a great experience, and it was probably one of the inspirations that led me back to this Body where I sit today. I support this resolution. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker pro Tempore. I rise in support of SCR 2. Ronald Reagan, when he ran for President the first time, came to Elko. At that time, I was on the County Commission. We all went to greet him and shake his hand and listen to him speak. Little did we know that we were looking at the making of history. I think the greatest thing, in my estimation, that Ronald Reagan did, was to bring down the Iron Curtain. There is no question that our former Senator, Paul Laxalt, was probably closer to Ronald Reagan than anyone. When Paul Laxalt came to Elko this fall to celebrate the 35th Anniversary of our Community College, he reiterated a few Ronald Reagan stories. I do want to support this resolution, and I'm proud to do so.

Resolution adopted unanimously.

Assemblywoman Buckley moved that COX COMMUNICATIONS: Steve Schorr; NEVADA RANCHER: Don Bowman, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Noel Morton, Mariela Alonso, Michelle Baltazar, Andrew Becker, Cameron Otto, Cody Boos, Maria Garcia, Yovana Guerrero, Montrel Hoskins, Asma Khan, Briana Lockett, Jorge Lopez, Peter McGaffic, Jaime Perez, Fernando Perez, Ramonita Quiles, Michal Rempala, Sarah Schneider, Oscar Soto, Deja Thomas, Loy Thomasson, Leeann Wagner, Robbie Wendt, Tyana Wendt, Amy Prosser, Carolina Lopez, Ernesto Carillo, Andres Cruz, Jaime Moran, Janet Esparza, Jonathan Smart, Luis Arreygue, Lupe Rodriguez, Manuel Negrete, Mari Chavez, Mario Paredes, Nancy Armenta, Noemi Marquez, Paloma Ojeda, Rafael Salazar, Raul Carral, Stacy Dominguez, Scotty Saddler, Clarissa Kearns, Zach Jernberg, Kathy Tovar, Jose Arroyo, Jessica Barajas, Flor Carrillo, Aubrey Ellis, Guadalupe Hernandez, Travis Hughes, Courtney Iversen, Jasmeen Kaur, Richard Long, Salomon Martinez, Rocio Molina, Samuel Nava, Anthony Perazzo, Christopher Pierce, Carlos Rangel, Jose Regla, Dennis Smith, Ashley Vicks, Noel Villalobos, Yap Malcolm, and Miguel Bernal.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Al Wittenberg, Sharon Pearson, Curtis Jones, Matt Kurtz, Melynn Thompson, Jessica Lewis, Courtney McGuire, and Molly Rautenstrausch.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, February 7, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:54 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTH DAY

CARSON CITY (Friday), February 7, 2003

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Collins, who were excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

God, it's Friday. In the nursery rhymes, Solomon Grundy got worse on Friday before dying on Saturday, and a child born on Friday is loving and giving. From childhood, we've been taught to say, "Thank God, it's Friday." So, thank You, God, it's Friday! May our first weekend here bring us rest, peace, and revitalization, so we can do the work the people and You have called us to do. In the Name of the One who promises us real rest.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Leslie, Giunchigliani, Chowning, McClain, Gibbons, Anderson, Atkinson, Buckley, Collins, Horne, Koivisto, Manendo, Oceguera, and Parks:

Assembly Bill No. 52—AN ACT relating to veterans; providing for the issuance of standard high school diplomas to certain veterans who served in the Armed Forces during World War II; requiring school districts to establish guidelines for identifying and issuing standard high school diplomas to such veterans; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Education.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 2.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1; Assembly Resolutions Nos. 1, 2, 3; Senate Bill No. 1; Senate Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Summer Hencken.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Aquila and Joel Casburn.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Maxey and Alecia Maxey.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Lon Enwright.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Hicks.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, February 10, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:22 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), February 10, 2003

Assembly called to order at 11:10 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Father Sam Caldwell.

Almighty God, our Creator, Redeemer and Sustainer, we pray for Your continuing blessing upon the elected representatives of our nation, state and our local communities, especially George, our President; Kenny, our Governor; and the Senators, Assemblywomen and Assemblymen from throughout our state. Grant them wisdom, a sense of fairness, and insight in everything they do. In Your Blessed Name we pray,

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

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

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Oceguera, Leslie, Koivisto, Parks, Giunchigliani, Buckley, Claborn, Conklin, Perkins and Pierce:

Assembly Bill No. 53—AN ACT relating to crimes; providing for an enhanced penalty for committing an assault upon certain providers of health care; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By Assemblymen Anderson, Parks, Andonov, Buckley, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Horne, Leslie, Manendo, Oceguera, Sherer and Williams:

Assembly Bill No. 54—AN ACT relating to children; providing an affirmative duty for certain persons who keep or maintain records and information concerning a child to provide access to such records and information to any parent of the child unless otherwise ordered by a court; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Parks, Buckley, Claborn, Conklin, Horne, Manendo, Oceguera and Williams (by request):

Assembly Bill No. 55—AN ACT relating to criminal procedure; providing that a local law enforcement agency may cause a biological specimen to be submitted to the Combined DNA Indexing System if a person who is being investigated submits the specimen voluntarily or pursuant to a court order; expanding the crimes for which a defendant is required to submit a biological specimen when he is found guilty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Parks, Brown, Buckley, Claborn, Collins, Conklin, Geddes, Giunchigliani, Hettrick, Horne, Koivisto, Leslie, McClain, Oceguera, Sherer and Williams:

Assembly Bill No. 56—AN ACT relating to the City of Sparks; providing that the boundaries of wards must be determined on the basis of population; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Anderson, Parks, Andonov, Buckley, Claborn, Collins, Conklin, Geddes, Giunchigliani, Hettrick, Horne, Koivisto, Leslie, Manendo, McClain, Oceguera and Williams:

Assembly Bill No. 57—AN ACT relating to construction; providing for the adoption of certain seismic requirements by the State Public Works Board and certain governing bodies; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Grady and Senator Amodei (by request):

Assembly Bill No. 58—AN ACT relating to traffic laws; extending to all counties the prohibition against the driver of a motor vehicle allowing a

person to ride upon or within certain portions of the motor vehicle under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 59—AN ACT relating to older persons; permitting a law enforcement agency to inspect certain records pertaining to the abuse, neglect, exploitation or isolation of older persons; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 60—AN ACT relating to the juvenile court; providing that a decision of the juvenile court to deny certification of a child for criminal proceedings as an adult may be appealed; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 61—AN ACT relating to criminal procedure; providing that evidence that is derived from the testimony or evidence of a witness who is granted immunity may be introduced in another proceeding if the evidence is obtained from an independent source; clarifying the duties of a witness to whom immunity is granted; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 62—AN ACT relating to crimes; increasing the penalty for committing sexual assault not involving substantial bodily harm against a child under the age of 16 years; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 63—AN ACT relating to evidence; creating an exception to the hearsay rule for certain testimony offered at preliminary examinations by permitting a qualified law enforcement officer to testify to the statements of other law enforcement officers; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 64—AN ACT relating to body armor; prohibiting persons convicted of certain felonies from purchasing or possessing body armor; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 65—AN ACT relating to state employees; authorizing collective bargaining for certain state employees; creating a Board for Labor Relations for State Employees; providing for bargaining units and for their representatives; establishing procedures for collective bargaining and for making, revising and amending collective bargaining agreements; prohibiting certain unfair labor practices; authorizing the Superintendent of the State Printing Division of the Department of Administration to make certain labor agreements; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 66—AN ACT relating to public officers; increasing the compensation of certain elected county officers; providing for such increase in compensation to be paid retroactively in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 67—AN ACT relating to the Charter of the City of Henderson; revising the Charter to authorize the City Council of the City of Henderson to determine by ordinance which positions of city employment

are included within the system of civil service of the City of Henderson; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 68—AN ACT relating to the Public Employees' Retirement System; revising the definition of "compensation" to include certain payments; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 69—AN ACT relating to the State Public Works Board; expanding the exemption from the requirement that the State Public Works Board furnish engineering and architectural services for buildings constructed on state property or with legislative appropriation to certain improvements made by the Division of Wildlife of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 70—AN ACT relating to providers of health services; limiting certain fees which providers of health services that accept insurance payments may collect from patients; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 71—AN ACT relating to the Division of Wildlife of the State Department of Conservation and Natural Resources; authorizing the Division to charge a fee for advertising in printed materials prepared by the Division and for advertising on a website on the Internet that is maintained by the Division; exempting the Division from the requirement of having certain printed matter prepared by the State Printing Division of the Department of Administration; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 72—AN ACT relating to wildlife; converting the Division of Wildlife of the State Department of Conservation and Natural Resources into the Department of Wildlife; requiring approval of the proposed budget of the Department by the Board of Wildlife Commissioners; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

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

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 12:08 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 10, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 6.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 6.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Detrick Sanford, Joella Taylor and Angela Edgell.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Schoenman.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Spencer Hafen.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Christine Petersen.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, February 11, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINTH DAY

CARSON CITY (Tuesday), February 11, 2003

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

It is good, O Lord, that it is not custom that brings us again into this sacred moment of prayer, but our deep sense of need. Forgive us all, that we talk too much and think too little. Forgive us all, that we worry so often and pray so seldom. Most of all, O Lord, forgive us that, so helpless without You, we are so unwilling to seek Your help. Give us grace to seek You with the whole heart, that seeking You we may find You, and finding You may love You, and loving You may keep Your commandments and do Your will. Through our Lord we ask these things.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 10, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 13.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen McClain, Claborn, Chowning, Parks, Conklin, Anderson, Andonov, Arberry, Atkinson, Buckley, Carpenter, Collins, Gibbons, Giunchigliani, Goldwater, Grady, Horne, Koivisto, Leslie, Manendo, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams (by request):

Assembly Bill No. 73—AN ACT relating to crimes; reducing the age of a victim that is used as the threshold for determining the applicability of certain crimes against older persons; authorizing a court to require a person found guilty of certain crimes against older persons to pay the cost of investigating and prosecuting the crime; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 74—AN ACT relating to brownfield sites; creating a revolving fund to finance the remediation of brownfield sites; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to administer the fund; providing for the uses of money in the fund; authorizing the Administrator of the Division to impose a fee; authorizing the State Environmental Commission to adopt regulations; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 75—AN ACT relating to agriculture; revising the provisions governing the certification of organic agricultural products; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 76—AN ACT making an appropriation to the Department of Human Resources for the establishment of a branch office in West Wendover; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Angle, Gustavson, Andonov, Beers, Brown, Claborn, Collins, Geddes, Gibbons, Goicoechea, Grady, Griffin, Hardy, Hettrick, Knecht, Mabey, McCleary, Mortenson, Ohrenschall, Sherer, and Weber; Senator Shaffer (by request):

Assembly Bill No. 77—AN ACT relating to motorcycles; authorizing certain inserts in tail lamps; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen McCleary, Conklin, Claborn, Chowning, Angle, Atkinson, Christensen, Geddes, Griffin, Hettrick, Horne, Manendo, Marvel, and Weber:

Assembly Bill No. 78—AN ACT relating to sexual offenses; revising the penalty for a sexual assault against a child under the age of 16 years; revising the penalty for lewdness with a child; prohibiting the suspension of sentence or granting of probation to a person convicted of lewdness with a child; and providing other matters properly relating thereto.

Assemblyman McCleary moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Buckley, Gibbons, Anderson, Manendo, Giunchigliani, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senator Titus:

Assembly Bill No. 79—AN ACT relating to health care; requiring an external review organization to be certified by the Commissioner of Insurance before conducting an external review of a final adverse determination of a managed care organization or health maintenance organization; authorizing an insured under certain health care plans to submit to a managed care organization or health maintenance organization a request for such a review under certain circumstances; requiring an external review organization to approve, modify or reverse a final adverse determination within a certain period; providing that an external review organization is not liable in a civil action for damages relating to a determination issued by the external review organization under certain circumstances; requiring the Director of the Office for Consumer Health Assistance to contract with certain external review organizations; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 13.

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

Motion carried.

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

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby Senate Bill No. 13 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 13 be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Buckley moved that RENO GAZETTE-JOURNAL: Bill O'Driscoll, Ryan Randazzo, Thomas Walsh; KWNA RADIO: Joyce Sheen, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 2; Senate Concurrent Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Frank R. Woodbeck.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Juliet Klemm, Tina Ruff, Julie Hinton, Austin Buss, Emily Fernandez, Aqueelah Thompson, and Chanika Corley.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Ablahani and Cindy Elkins.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, February 13, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:25 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), February 13, 2003

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Beers and Goldwater, who were excused.

Prayer by the Chaplain, Father Sam Caldwell.

Heavenly Father, we are sometimes reminded that certain Proverbs do not always hold up in the legislative process: Sometimes a penny saved should have been spent. Sometimes others reap what we sow. In order to survive, some old dogs have to learn new tricks. Sometimes the dead horse we are told we shouldn't beat is resurrected the next session. Birds of a feather may flock together, but they don't always vote together. Which only proves, Dear Lord, that the only predictable thing is Your love for us and all Your creation.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 38, 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Claborn, Chowning, Giunchigliani, Koivisto, Oceguera, Anderson, Atkinson, Buckley, Conklin, Goldwater, Horne, Leslie, Manendo, McClain, McCleary, Mortenson, Ohrenschall, Parks, Perkins, Pierce, and Williams:

Assembly Bill No. 80—AN ACT relating to industrial insurance; revising the provision governing the deemed employer and wage of an apprentice or trainee for the purposes of industrial insurance; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Oceguera, Giunchigliani, Atkinson, Buckley, Claborn, Conklin, Horne, and Pierce:

Assembly Bill No. 81—AN ACT relating to marks; authorizing award for treble damages, attorney's fees and costs in certain civil actions relating to marks; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 82—AN ACT relating to water; extending the date of expiration of the Newlands Project Water Rights Fund and of a related program established by the Carson Water Subconservancy District for the acquisition of certain surface water rights; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 83—AN ACT relating to motor vehicles; prohibiting the use of certain devices for braking in certain circumstances; requiring that regulations adopted by the Department of Transportation concerning combinations of vehicles in excess of 70 feet in length be consistent with certain federal requirements; eliminating the limitation on the maximum fee which may be charged for a permit for a combination of vehicles in excess of 80,000 pounds; repealing certain provisions relating to alternative limitations on the weight of a trailer or semitrailer; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Mr. Speaker presiding.

Quorum present.

By the Committee on Government Affairs:

Assembly Bill No. 84—AN ACT relating to county government; revising the term of office of and providing a limitation on the number of consecutive terms of office for members of a town advisory board in certain counties; revising the requirements regarding the notice of a vacancy on such a town advisory board; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 85—AN ACT relating to revenue bonds for industrial development; revising the prerequisites to the financing of certain proposed projects; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 86—AN ACT relating to purchasing by local governments; revising the provisions pursuant to which certain local governments advertise and award contracts; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 87—AN ACT relating to notarial officers; clarifying requirements for the execution of a certificate evidencing a notarial act; removing the restriction on the amount of an additional fee for traveling that a notary public may charge; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 88—AN ACT relating to the Department of Information Technology; creating the Office of Chief Information Officer; establishing the duties of the Chief Information Officer; requiring the Chief Information Officer to serve as Director of the Department; abolishing the Planning and Programming Division and Communication and Computing Division of the Department and the units of those divisions; authorizing the Director to employ certain staff; changing the composition of the Information Technology Advisory Board; requiring agencies of the Executive Branch of

State Government that are not required to use the services or equipment of the Department to comply with the policies, procedures and standards established by the Chief Information Officer; requiring the Information Technology Advisory Board to perform certain reviews; requiring the Department to perform certain activities; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

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

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Manendo withdrew the motion that Assembly Bill No. 88 be referred to the Committee on Government Affairs.

Assemblyman Manendo moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Leslie, Giunchigliani, McClain, Parks, Atkinson, Buckley, Chowning, Collins, Horne, Koivisto, Manendo, and Oceguera:

Assembly Bill No. 89—AN ACT relating to residential tenancy; removing the exemption for landlords who own and personally manage four or fewer residential dwellings from provisions relating to landlords and tenants; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 90—AN ACT relating to water; increasing the limit on the assessment for water distribution expenses incurred by the State Engineer; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 91—AN ACT relating to pesticides; providing for the registration of brands of pesticides; requiring the annual deposit of certain unexpended registration fees into a separate account for use to monitor

pesticides and protect ground and surface water; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 92—AN ACT relating to secured transactions; revising provisions of the Uniform Commercial Code governing the filing of certain records; authorizing the Secretary of State to prescribe a form for the filing and recording of certain documents and for giving notice of intent to sell a repossessed vehicle; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 93—AN ACT relating to electronic transmissions; providing certain requirements to identify advertisements in electronic mail; increasing liability for improperly transmitting electronic mail that includes an advertisement in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 94—AN ACT relating to the office of the commissioner of civil marriages; revising the provisions governing the hours of operation for the office of the commissioner of civil marriages in certain larger counties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 95—AN ACT relating to sentencing; making various changes to the provision pertaining to the authority and discretion of the court to suspend a sentence and grant probation in certain cases; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 96—AN ACT relating to tobacco; authorizing a local board of health to impose stricter regulations concerning tobacco than those imposed by statute; revising provisions governing smoking of tobacco in public places; prohibiting cigarette vending machines in certain public areas; repealing the provision which allows smoking under certain circumstances in certain stores that are principally devoted to the sale of food for human consumption off the premises; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 97—AN ACT relating to domestic violence; revising the definition of domestic violence for the purposes of various statutes; revising the penalty for battery that constitutes domestic violence; making various other changes to certain provisions pertaining to domestic violence; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 98—AN ACT relating to sentencing; authorizing the governing body of a city to create a department of alternative sentencing; providing the duties of a department of alternative sentencing; providing the duties of the chief and assistants of a department of alternative sentencing; providing that the chief and assistants of a department of alternative sentencing have the powers of a peace officer for certain purposes; authorizing the court to take certain actions if a probationer who is supervised by a department of alternative sentencing created by the governing body of a city violates a condition of a suspended sentence; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Brown, Andonov, Angle, Beers, Christensen, Conklin, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Mortenson, Oceguera, Perkins, and Weber:

Assembly Bill No. 99—AN ACT relating to terrorism; making various changes regarding murder committed with the intent to commit certain acts of terrorism; establishing as murder of the first degree murder committed with the intent to commit certain acts of terrorism; establishing for the purposes of the death penalty an aggravating circumstance relating to

murders committed with the intent to commit certain acts of terrorism; providing penalties; and providing other matters properly relating thereto.

Assemblyman Brown moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Brown, Knecht, Gibbons, Christensen, Andonov, Beers, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Mabey, Marvel, McCleary, Perkins, Sherer, and Weber:

Assembly Bill No. 100—AN ACT relating to justices' courts; increasing the monetary limit of the jurisdiction of justices' courts; and providing other matters properly relating thereto.

Assemblyman Brown moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Giunchigliani, Parks, Brown, Buckley, Conklin, Oceguera, Ohrenschall, and Sherer:

Assembly Bill No. 101—AN ACT relating to trusts; providing that divorce or annulment of the marriage of a settlor revokes certain provisions of a revocable inter vivos trust related to the former spouse under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 102—AN ACT relating to crimes; providing that prisoners serving two or more consecutive sentences must serve the longer of the sentences before becoming eligible for parole; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 103—AN ACT relating to the Department of Corrections; eliminating the requirement for the Director of the Department of Corrections to return, upon the expiration or termination of the imprisonment of a prisoner, a certified copy of the judgment of conviction to the county clerk of the issuing county; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 104—AN ACT relating to driving under the influence of alcohol or a controlled substance; reducing the concentration of alcohol that may be present in the blood or breath of a person while operating a vehicle or vessel; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 105—AN ACT relating to parole; providing additional credits against the sentence of a parolee under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 106—AN ACT relating to traffic laws; revising the penalty for driving under the influence of intoxicating liquor or a controlled or prohibited substance; revising the qualifications of a person who may apply to the court to undergo a program of treatment for alcoholism or drug abuse; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 107—AN ACT relating to crimes; providing an additional penalty for committing a felony in violation of a temporary or extended order for protection; prohibiting a court from granting probation to a person who commits such a crime; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 108—AN ACT relating to alcoholic beverages; providing that the Attorney General has concurrent jurisdiction with certain agencies to investigate and prosecute the sale or distribution of an alcoholic beverage to a person under 21 years of age; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 109—AN ACT relating to the Department of Corrections; providing for the appointment of an Inspector General by the Director of the Department of Corrections; revising the provisions relating to the appointment of assistant directors by the Director; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 110—AN ACT relating to criminal procedure; removing the requirement of a separate penalty hearing for a defendant who is convicted of murder of the first degree where the death penalty is not sought; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 111—AN ACT relating to dairy products; revising provisions relating to fees imposed by the State Dairy Commission and the issuance of licenses and permits; revising provisions concerning retention of certain records by pasteurizing plants; revising provisions governing the processing and sale of milk and cream; requiring disclosure of certain governmental actions against licensed distributors and applicants for licensure as distributors; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 112—AN ACT relating to the protection of children; requiring each agency investigating a report of physical abuse of a child under the age of 3 years to ensure that a provider of health care trained to recognize physical abuse of children examines the child; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:41 a.m.

Mr. Speaker presiding.

Quorum present.

By the Committee on Government Affairs:

Assembly Bill No. 113—AN ACT relating to Carson City; providing for the election of a Vice Chairman of the Charter Committee; requiring a joint meeting of the Charter Committee and Board of Supervisors regarding proposed charter amendments; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 114—AN ACT relating to counties; providing that persons are not eligible to the county offices of sheriff and constable unless such persons are qualified electors and will have attained the age of 21 years on the date of taking office; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gustavson, Angle, Sherer, Andonov, Atkinson, Beers, Brown, Carpenter, Christensen, Claborn, Conklin, Gibbons, Griffin, Hardy, Hettrick, Knecht, Mabey, Manendo, Marvel, Mortenson, Ohrenschall, Parks, Weber and Williams; Senators Amodei, Cegavske, McGinness, Neal, Nolan, Rhoads, Shaffer, and Washington:

Assembly Bill No. 115—AN ACT relating to motor vehicles; providing for the issuance of special license plates indicating support for the rights guaranteed pursuant to the Second Amendment to the United States Constitution; imposing a fee for the issuance or renewal of such license plates; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 116—AN ACT relating to state purchasing; requiring the Chief of the Purchasing Division of the Department of Administration to contract for the lease-purchase of equipment under certain circumstances; providing for the use of price agreements; providing specifically that the Chief may determine to design a contract to be awarded to more than one responsible bidder; revising provisions relating to advertisements for bids or

proposals; revising provisions relating to the security of bids; revising the penalties that the Chief may impose against a person who breaches a contract; revising provisions relating to the purchase of products containing recycled material; providing specifically that the Chief may purchase or acquire services on behalf of governmental entities in this state; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 117—AN ACT relating to child support; making various changes to provisions governing the withholding of income which is ordered to enforce the payment of child support; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Giunchigliani, Leslie, Anderson, Oceguera, Ohrenschall, Arberry, Atkinson, Buckley, Claborn, Collins, Conklin, Geddes, Goldwater, Horne, McClain, Pierce, and Williams:

Assembly Bill No. 118—AN ACT relating to capital punishment; prohibiting the imposition of a sentence of death upon a person for the commission of a crime committed while the person was under the age of 18 years; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Williams:

Assembly Bill No. 119—AN ACT relating to prescriptions; revising the authority of a practitioner to specify on the label or other device for a drug or medicine an expiration date that is earlier than the expiration date specified by the manufacturer of the drug or medicine under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Williams, Leslie, Arberry, and Buckley:

Assembly Bill No. 120—AN ACT relating to motor vehicles; requiring a person who is transporting in a motor vehicle a child of certain age and weight to use a system to alert the person that the child has been left within the vehicle while secured in a device for restraining a child; requiring the Department of Motor Vehicles to adopt regulations concerning such systems;

providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 121—AN ACT making an appropriation to the City of Caliente for the construction of a single-span replacement bridge over Clover Creek Wash on the road leading to the Caliente Youth Center; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 122—AN ACT relating to education; revising provisions governing the calculation of basic support for school districts with declining enrollment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 123—AN ACT making an appropriation to Lander County for the design and construction of the Battle Mountain Industrial Park and for support of the Battle Mountain Flood Control Project; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 124—AN ACT relating to education; revising the dates for apportionments from the State Distributive School Account among school districts and charter schools; revising the provisions governing the distribution of money by the State Treasurer to school districts and charter schools; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 125—AN ACT relating to elections; revising deadlines relating to the filing of certain documents before an election; requiring a county or city clerk to verify the identity of a person filing for candidacy; providing for the filing and storage of certain documents by electronic

means; revising provisions relating to pupils serving as trainees for the position of election board officer; revising provisions relating to absent ballots; authorizing a county or city clerk to designate centralized voting locations for certain elderly or disabled voters under certain circumstances; revising certain provisions relating to the hours of operation of polling places and certain government offices; providing that certain voting records will be printed on paper only in the event of an election contest or recount; making various changes to election procedures; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 10.

Bill read second time and ordered to third reading.

Assembly Bill No. 22.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Pierce, Anderson, Atkinson, Buckley, Claborn, Collins, Horne, Koivisto, McCleary, and Oceguera (by request):

Assembly Bill No. 126—AN ACT relating to exploitation; revising the definition of "exploitation" for the purposes of certain provisions concerning the abuse of an older person to include the actions of certain persons who serve in a fiduciary or other representative capacity to an older person; revising the definition of "exploitation" for the purposes of certain provisions concerning the civil liability of a person for exploiting an older person or vulnerable person to include the actions of certain persons who serve in a fiduciary or other representative capacity to the older person or vulnerable person; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 127—AN ACT relating to ethics in government; repealing the provision prohibiting a person from making, using, publishing or disseminating a false, deceptive or misleading statement to induce the Commission on Ethics to render an opinion or take action relating thereto; eliminating the authority of the Commission to impose a civil penalty against a person who submits to the Commission a false accusation or information in bad faith or with a vexatious purpose; repealing the provision prohibiting a person from making a false statement of fact concerning a candidate or a

question on a ballot under certain circumstances; repealing the provision prohibiting certain persons from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Gibbons, Parks, Anderson, Collins, Geddes, Goldwater, Griffin, Gustavson, Hettrick, Leslie, Mabey, Oceguera and Sherer; Senators Coffin, Mathews, Schneider, Shaffer, and Wiener:

Assembly Bill No. 128—AN ACT relating to drivers' licenses; requiring the Department of Motor Vehicles to issue driver's licenses with the designation "Defensive Driver" to otherwise qualified applicants who have passed a course in defensive driving approved by the Department; providing standards for the approval of such courses; requiring the Department to conduct a study of the feasibility of contracting with licensed schools for training drivers to administer driving tests required for certain drivers' licenses; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that ELECTRIC NEVADA: Daniel Joseph; GALA PRODUCTIONS: Gary Ashby, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Scroggins.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Neff, Martha Neff, and Jackson Haney.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to David Howard.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to James Chaney.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Chase Mearian and Robert Morasko.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Robin Titus and Roger Bezayiff.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Crandell and John Kubiak, Ph.D.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Epperson and Gordon Hutting.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Hazel Gonzalez and Peggy Lindsey.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Shawn Wiscombe and Joyce Miller.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Chester Richardson.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, February 14, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:59 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWELFTH DAY

CARSON CITY (Friday), February 14, 2003

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Giunchigliani and Ohrenschall, who were excused.

Prayer by the Chaplain, Father Sam Caldwell.

Almighty God, our Creator, inspire all elected officials of our state to place self-confidence over self-interest, humility over pride, and principle over partisanship. Help them always to be mindful of their fellow Nevadans for whom they have been elected to serve. In Your Name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

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

Assembly in recess at 11:07 a.m.

ASSEMBLY IN SESSION

At 11:10 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 129—AN ACT relating to the State Department of Conservation and Natural Resources; requiring the interest earned on the money deposited in certain accounts or funds for use by the Department to be credited to those accounts or funds; providing that certain money collected for purposes of the Program for the Voluntary Cleanup of Hazardous Substances and Relief From Liability must be deposited in the Account for the Management of Hazardous Waste; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 130—AN ACT relating to the State Department of Agriculture; authorizing the Director of the State Department of Agriculture and the Department to impose certain fees; requiring that certain fees collected by the Director be credited to the Agriculture Registration and Enforcement Account; requiring that certain fines collected by the Director be credited to the county school district fund of a county in which the board of trustees of the county school district enters into an agreement with the Director to use the fines for certain purposes; requiring that certain fines collected by the State Board of Agriculture be credited to the State General Fund; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Mortenson, Chowning, Claborn, Carpenter, Ohrenschall, Anderson, Atkinson, Buckley, Christensen, Collins, Conklin, Giunchigliani, Horne, Koivisto, Leslie, Marvel, McClain, Oceguera, Parks, Perkins, Pierce, and Williams:

Assembly Bill No. 131—AN ACT relating to cultural resources; requiring the Administrator of the Office of Historic Preservation of the Department of Cultural Affairs to establish a stewardship program for the protection of cultural resources; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 132—AN ACT relating to the protection of children; providing that proceedings concerning the abuse or neglect of children are presumptively open to the public; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 133—AN ACT relating to district courts; revising the provision governing the duties that may be performed by masters for criminal proceedings in district courts; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 134—AN ACT relating to employment; providing a civil penalty for the failure of a current or former employer of an applicant for a position as a peace officer with a law enforcement agency to provide certain information concerning the applicant upon the request of the law enforcement agency; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 135—AN ACT relating to cities; revising the provisions governing the authority of the governing body of a city to abate certain dangerous conditions; revising the manner in which the governing body of a city may recover money expended in abating certain nuisances and dangerous and noxious conditions; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 136—AN ACT relating to local governments; authorizing the creation of a general improvement district for the establishment of an area or zone for the preservation of one or more species or subspecies of wildlife threatened with extinction; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 137—AN ACT relating to the Office of the Governor; revising the requirements for the submission of a report to the Governor and the Director of the Legislative Counsel Bureau concerning the Bureau for Hospital Patients within the Office for Consumer Health Assistance; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Goldwater (by request):

Assembly Bill No. 138—AN ACT relating to pupils; repealing the prohibition against pupils carrying or possessing any electronic device used for paging or communication while on school grounds; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 38.

Bill read second time and ordered to third reading.

Assembly Bill No. 39.

Bill read second time and ordered to third reading.

Assembly Bill No. 69.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 10 and 22 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 139—AN ACT relating to utilities; making various changes concerning certain providers of utility service; exempting from the jurisdiction of the Public Utilities Commission of Nevada certain persons who are engaged in the business of furnishing water or services for the disposal of sewage in certain large counties; increasing the time allowed for entry of a final order for an application relating to the sale of energy, capacity or ancillary services by a provider of new electric resources; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 140—AN ACT relating to industrial insurance; prohibiting the failure to comply with an order issued by the Administrator of the Division of Industrial Relations of the Department of Business and Industry to cease all business operations at a place of employment or jobsite; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 141—AN ACT relating to public works; making various changes concerning the enforcement of the provisions requiring the payment of the prevailing rate of wages on public works; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 142—AN ACT relating to taxation; revising the rate of interest required for late payments of certain taxes; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 143—AN ACT relating to labor; revising various provisions relating to the enforcement of the labor laws by the Labor Commissioner; authorizing the Labor Commissioner to impose administrative penalties for certain violations of the labor laws and regulations; requiring the Labor Commissioner to follow certain procedures before imposing administrative penalties; revising provisions relating to the issuance of subpoenas and the settlement of certain matters; prohibiting employers from changing regular paydays or the place of payment without providing advance written notice to employees; prohibiting employers from paying employees a lower wage, salary or compensation than the amount earned by the employees when the work was performed; prohibiting employers from decreasing the wage, salary or compensation of employees without providing advance written notice to the employees; clarifying certain provisions of the labor laws; providing penalties; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 144—AN ACT relating to pharmacy; prohibiting an employer of a pharmacist from disciplining the pharmacist for refusing to fill or refill a prescription under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 145—AN ACT relating to utilities; revising the procedure for the distribution of assessments collected on behalf of the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 146—AN ACT relating to professions; revising the active experience requirements for licensure as a professional engineer or land surveyor; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Oceguera, Claborn, Brown, Christensen, Conklin, Giunchigliani, Horne, McClain, McCleary, and Pierce:

Assembly Bill No. 147—AN ACT relating to local governmental purchasing; providing for the consideration of the performance or delivery date in awarding contracts; exempting certain purchases of certain safety equipment for use by a local fire department or law enforcement agency from the requirements of competitive bidding; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Landers and Amer Smailbegovic.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Marlo.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Joanne Embry.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, February 17, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:32 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), February 17, 2003

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Some great men have led our nation, Father. Thank you for George Washington, our first president, and for Abraham Lincoln, a man of tremendous moral courage who helped lead us through our darkest days. Thank you for the succession of presidents who have helped us recover from the many varied crises that have arisen along our way. These men who have gone before us have lit our way, now may we give to those who come behind us our faith. Today the members and officers of this Body unite their petition for Your blessing. We ask for Your guidance and Your help, that this Body may do what is best for the people and do what is right in Your sight. Give to these, Your servants, the will to work together as a team for the welfare of all our people.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen McClain, Koivisto, Manendo, Parks, Conklin, Anderson, Andonov, Atkinson, Buckley, Carpenter, Chowning, Claborn, Collins, Geddes, Gibbons, Giunchigliani, Goicoechea, Grady, Griffin, Hettrick, Leslie, Marvel, Mortenson, Oceguera, Ohrenschall, Pierce, and Williams:

Assembly Joint Resolution No. 1—Proposing to amend the Nevada Constitution to allow the Legislature to authorize the State to operate a lottery.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 24 of Article 4 of the Nevada Constitution be amended to read:

~~[Sec.]~~ *Sec.* 24. 1. ~~[Except as otherwise provided in subsection 2, no lottery may be authorized by this State, nor may lottery tickets be sold.]~~ *The legislature may authorize a lottery to be operated by the State of Nevada. If the legislature authorizes such a lottery, the legislature shall, by law:*

(a) Determine the appropriate manner of operation for the lottery; and

(b) Provide by appropriation for the disbursements of the proceeds of the lottery, less expenses directly related to the operation of the lottery.

2. The ~~[State and the]~~ political subdivisions ~~[thereof]~~ *of this state* shall not operate a lottery.

3. The legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to

benefit charitable or nonprofit activities in this state. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The legislature may provide by law for the regulation of such lotteries.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Perkins, Leslie, Parks, Gibbons, Knecht, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Horne, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Pierce, Sherer, Weber, and Williams; Senators Care, Carlton, O'Connell, Amodei, Cegavske, Hardy, McGinness, Neal, Nolan, Rhoads, Schneider, Shaffer, Townsend, Washington, and Wiener:

Assembly Bill No. 148—AN ACT relating to higher education; requiring the Legislative Auditor to conduct an audit of the University and Community College System of Nevada and the Board of Regents of the University of Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 149—AN ACT relating to local government finance; authorizing a special district to petition the Department of Taxation for a conditional exemption from the requirement of providing for an annual audit under certain circumstances; excepting the receipt by a local government of certain revenue from the prohibition against the expenditure of any money or the incurrence of any liability by the local government in excess of the amounts appropriated for that function; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 10.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 10:

YEAS—42.

NAYS—None.

Assembly Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 22:

YEAS—42.

NAYS—None.

Assembly Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 38.

Bill read third time.

Remarks by Assemblymen Horne, Buckley, Goldwater, Williams, and Anderson.

Roll call on Assembly Bill No. 38:

YEAS—42.

NAYS—None.

Assembly Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 39.

Bill read third time.

Remarks by Assemblyman Geddes.

Roll call on Assembly Bill No. 39:

YEAS—42.

NAYS—None.

Assembly Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblyman Manendo.

Assemblyman Manendo moved that Assembly Bill No. 69 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Williams, McClain, Arberry, Collins, and Manendo:

Assembly Joint Resolution No. 2—Proposing to amend the Nevada Constitution to authorize participation by the State of Nevada in certain nonprofit governmental lotteries.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 24 of Article 4 of the Nevada Constitution be amended to read as follows:

~~[Sec.:]~~ *Sec.* 24. 1. Except as otherwise provided in ~~[subsection 2,]~~ *subsections 2 and 3,* no lottery may be authorized by this State, nor may lottery tickets be sold.

2. The State ~~[and the political subdivisions thereof]~~ *may, for the benefit of the State of Nevada, join one or more lotteries operated by a nonprofit association of states or other governmental entities. The legislature may provide by law for the manner of participation in such a lottery, the regulation of related activities and the distribution of any proceeds that accrue to the State. The political subdivisions of this State* shall not operate a lottery. *Except as otherwise provided in subsection 3, the legislature shall not authorize the operation of a private lottery.*

3. The legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or nonprofit activities in this state. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The legislature may provide by law for the regulation of such lotteries.

Assemblyman Williams moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

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

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 17, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 8.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 8.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel, Collins, and Carpenter.

Resolution adopted unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Chloris Goodwin, Cody Berry, and Jesse Berry.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Sewell, Brian Sewell, and Elena Brady.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Starr Shiffler.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Naomi DiMartino.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Polley and Kevin Schiller.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Alecia Mabey.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Parker, William Parker, Carabeth Devine, Laurelie Brown, Marsha Leason, Rosalie Morgan, and Kandice Jones.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Boixo.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, February 18, 2003, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:02 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 18, 2003

Assembly called to order at 11:34 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Lord Jesus, when we get sick of ourselves, ashamed of our littleness, our selfishness, and the petty things that irritate us, then let it be the beginning of spiritual health by making us willing to have You create in us clean hearts and renew right spirits within us. Hold us steady lest we lose our poise. Blunt our speech lest by cutting words and careless deeds we hurt our colleagues and the cause for which we speak. Where we differ in approaches to a problem, may we ever be open to consider another and a better way, guided not by whether it be popular, or expedient, or practical, but always whether it be right. Hear our prayer, O Lord, and help us, through Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 17, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 11, 48, 55.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Buckley:

Assembly Bill No. 150—AN ACT relating to the Charter of the City of Las Vegas; authorizing the City Attorney and Deputy City Attorneys to represent indigent persons without compensation in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 151—AN ACT relating to public guardians; authorizing a public guardian to appoint deputies; providing for the compensation of such deputies; providing that an appointed public guardian serves at the pleasure of the board of county commissioners; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 152—AN ACT relating to county government; authorizing the boards of county commissioners of certain counties to adopt an ordinance providing, under certain circumstances, for the interchangeable filling of certain county offices by way of the ex officio service of certain other county officers; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 153—AN ACT relating to the administration of public agencies; eliminating the limit on the maximum amount that may be maintained in a petty cash account of a state agency; allowing the State Board of Examiners to authorize its clerk to determine whether an emergency exists and approve an expenditure from the Emergency Account in the State General Fund; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McCleary, Angle, Brown, Collins and Mortenson:

Assembly Bill No. 154—AN ACT relating to tobacco; prohibiting smoking on school grounds except under certain circumstances; prohibiting smoking within all areas of a child care facility; providing that a cigarette vending machine must not be placed in a school building or on school

property; providing a penalty; and providing other matters properly relating thereto.

Assemblyman McCleary moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 155—AN ACT relating to records of criminal history; making various changes regarding authorizing background checks to ensure compliance with the federal law that authorizes the Federal Bureau of Investigation to exchange records of criminal history with officials of state and local government for purposes of employment and licensing; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 156—AN ACT relating to criminal procedure; abolishing the plea of guilty but mentally ill; reinstating exculpation by reason of insanity; providing a procedure for committing a person to a mental health facility who is acquitted by reason of insanity; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Giunchigliani (by request):

Assembly Bill No. 157—AN ACT relating to industrial insurance; defining the term "construction project" for the purpose of a consolidated insurance program; limiting the type of construction project that may be insured through a consolidated insurance program; prohibiting a consolidated insurance program from covering more than one construction project; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 11.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 48.

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

Motion carried.

Senate Bill No. 55.

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

Motion carried.

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

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:47 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 18, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 9.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 9.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley, Goldwater, Brown, Ohrenschall, Anderson, and Gibbons.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Arberry, Anderson, Parks, Conklin, and Perkins:

Assembly Bill No. 158—AN ACT relating to peace officers; reclassifying the peace officers employed by the Capitol Police Division of the Department of Public Safety as category I peace officers; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Arberry, Anderson, Parks, Conklin, and Perkins:

Assembly Bill No. 159—AN ACT relating to state employees; requiring the payment of additional compensation to employees in the classified service of the State for the performance of certain dangerous duties; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Buckley, Parks, Giunchigliani, Goldwater, Anderson, Arberry, Atkinson, Beers, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Gibbons, Grady, Griffin, Horne, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, and Williams:

Assembly Bill No. 160—AN ACT relating to persons in need of protection; requiring a court to order an assignment of income anytime that financial assistance or support is ordered as part of an extended order for protection against domestic violence; authorizing a court to seal records and waive publication concerning a change of name when the person proves that his personal safety is at risk; providing for privileged communications between victims of domestic violence or sexual assault and their advocates; and providing other matters properly relating thereto.

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

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:05 p.m.

ASSEMBLY IN SESSION

At 4:53 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Horne and Andonov as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Harry Reid.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly

IN JOINT SESSION

At 5:03 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Neal, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Angle and Gustavson, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Weiner and Assemblywoman Pierce to wait upon Senator Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, United States Senator from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Mr. Speaker welcomed Senator Reid and invited him to deliver his message.

United States Senator Harry Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SECOND SESSION, 2003

Lieutenant Governor Hunt, Speaker Perkins, Majority Leader Raggio, my fellow legislators, friends, and guests:

Being here provides a valuable opportunity to share ideas and insights, and to discuss our common goal: how to meet the needs and protect the interests of Nevadans. Over the past 18 months our state and, of course, our nation have experienced tragedy and loss. Our great nation will never be the same. Most recently, we were all stunned by the space shuttle Columbia disaster. The six Americans and one Israeli stood for courage, science, and a vision of the future. Into the heavens they soared. In Heaven they now reside. As we remember these astronauts, we think of Commander McCool, and we express our condolences to Willie's parents, Audrey and Barry, who live and work in Nevada. They are with us today. Please stand. Despite our nation's sorrow, struggles, and losses, we have hope, hope for the future.

Today, as the threat of terrorism remains high and war in Iraq looms, Americans, including Nevadans, are understandably concerned about homeland security. But I believe our anxiety, our hope, is about something closer, something even more personal: that is our families, our neighborhoods, our schools, our future, our hometown security.

Nevadans are on the frontlines of hometown security. The service members being trained at our state's military installations protect not only Nevada but all of America. We are grateful for the selfless service of Lieutenant Colonel Burt Bartley and First Lieutenant Thomas Cahill, both of Nellis Air Force Base, who were recently awarded the Silver Star for their heroism in combat in Afghanistan. While their actions were extraordinary, these two pilots are illustrative of the bravery and patriotism that exists in Nevada. Fallon Naval Air Station remains the nation's premier tactical air warfare training facility, and the brave men and women there stand ready to serve and sacrifice for our country. Let us also remember that David Brown, a Navy captain, aviator, and flight surgeon, who was part of the lost Columbia Shuttle crew, was an instructor at Fallon.

Without question, our National Guard and Reserve forces are also important to our nation's defense. I know the call-ups and deployments are difficult for their families, their communities, and their employers, but these courageous citizen soldiers have answered the call. They play unique roles, as shown by the recently called-up National Guard Medical Evacuation Unit from Northern Nevada. We are proud of all and will support them and others who serve in our nation's military.

The civilians and contractors supporting our armed services must also be recognized. For example, think of the work being done at Hawthorne Army Depot, by teams of civilians who help this military machine run so smoothly. Whether in Afghanistan or Iraq, no matter the place, the pilots and other personnel based in Nevada and the ammunition stored here are integral to America's readiness, defense, and security. For the security of our hometowns, and to eliminate the threat of weapons of mass destruction in the hands of a brutal dictator, it might soon be

necessary to send American forces into Iraq. I was the first Democrat to support, publicly, the first President Bush in the invasion of Iraq more than a decade ago, and I voted for the resolution giving this President authority to remove the evil Saddam Hussein. Let's all pray for no war, and if war, a very speedy resolution of the hostilities.

In addition to having a strong military, hometown security requires us to become less dependent on oil from across the oceans. That is why we must develop renewable energy sources and produce energy from the wind, the sun, and from the geothermal depths of the earth. Nevada and our nation have had some support from Congress in expanding renewable energy, but more is needed, and a bipartisan coalition is so engaged.

Hometown security also requires a progressive, dynamic, state-of-the-art program to modernize our infrastructure. Nevada and the rest of the nation need new schools, renovated schools, updated waterworks, new sewer systems, and updated highways and roads. Prior to September 11, the National Council of Mayors had unanimously endorsed my American Marshall Plan. This is legislation to have the federal government begin a massive public works program to address the needs I've outlined. It is now being revived. Such a program has many benefits, not the least of which is the creation of 42,000 high-paying jobs for every billion dollars of investment.

"Whiskey is for drinking. Water is for fighting over." This statement by onetime Nevadan Mark Twain is truer than ever. Worldwide and in Nevada, that is what we address—water. Water is a problem. That is why I have spent so much time on the historic federal legislation now called the Negotiated Settlement. It is now 98 percent implemented, settling the one 100-year water war between the states of California and Nevada. It involved two Indian tribes, two endangered species, the cities of Reno and Sparks, the Truckee-Carson Irrigation District and Nevada's largest wetlands. That's why this Legislature must be aware of the Walker River System's problems. They exist. We must address them. This situation, for which the federal government has appropriated $200 million, must be resolved.

I commend Pat Mulroy, the General Manager of the Southern Nevada Water Authority, for her persistent and erudite advocacy on the part of the state of Nevada to obtain a fair share of the Colorado River; and I publicly thank each of you for your work protecting Nevada's jewel of unmatched brilliance, Lake Tahoe. We have much, much more to do to save this place that Mark Twain referred to as "the fairest place in all the Earth."

Our economy, like our environment, is fragile and in trouble. Deficits have returned and are now the largest in the history of the world. Our surplus has disappeared. We need an immediate tax cut directed at the middle class. This would stimulate the economy yet have no long-term impact on the deficit. Washington has imposed new burdens on our state and on you as legislators: unfunded mandates in the guise of federal legislation to protect and assist the states. "Leave No Child Behind" is good in theory, but without federal financial support, it's leaving many children behind. The consolidation of agencies to create the Department of Homeland Security and other homeland security legislation unfortunately has created insecurity at home because of the lack of federal resources that were known to be necessary when these pieces of legislation passed. These are two of the reasons you are facing a financial crisis here at home, as are 46 other states.

The Joshua trees that I see from my window in Searchlight, the alpine meadows that I view as I travel to Lake Tahoe, and the rest of our rich Nevada environment are fundamental to our concept of what makes our state so special. I join with you in working together to protect all of Nevada's 75 million acres. Two hallmark pieces of legislation that passed during the last Congress boost hometown security for Nevada citizens and defend Nevada's interests. The Southern Nevada Public Lands Act moved land from the federal government to the cities of North Las Vegas, Las Vegas, Henderson and, of course, Clark County. It provided for economic development, including the national imperative of the airport at Ivanpah, along with protecting hundreds of thousands of acres of pristine wilderness; this will enhance Nevada for generations to come. In addition, we have provided a safe, secure place for gun enthusiasts and other sportsmen, as well as law enforcement officers, to practice their weaponry. The rapid growth of the metropolitan Las Vegas area has encroached on their facilities. But now Nevada will have the premier shooting range in the entire country—3,000 acres for target shooting and other recreational purposes. This law passed, literally, in the last few minutes of the 107th Congress.

This great building and its predecessor, the State Capitol, have been part of my home for 37 years. The state of Nevada's past has been directed by men and women who have served in the Nevada Assembly and the Senate: B. Mahlon Brown, Floyd Lamb, Jim Gibson, Austin Bowler, Carl Dodge, Mack Fry, Art Espinoza, Richard Bryan, Eileen Brookman, Flora Dungan, Snowy Monroe, Joe Vianni, Tim Hafen, Margie Foote, Lawrence Jacobsen, Woodrow Wilson, Mary Frazinni and, of course, the great Joe Dini. These are just a few names that came across my mind as I prepared these remarks. There are many others, Democrats and Republicans, who contributed to the public good by being good public servants. Each of you are so engaged and I congratulate you.

I believe that term limits for the State Legislature are bad. Gordon Smith, a United States Senator now from the state of Oregon, was president of the Oregon State Senate. He worked very hard to get term limits passed in the state of Oregon. I asked Gordon if I could use what he told me. He said, "Absolutely. I believe in it strongly." He said it was one of the biggest mistakes he ever made. He said, "Term limits dumb down the legislature." You folks should join together and change the Constitution and get rid of these term limits. You are the only ones that can do it and you should do it. You, as a Body, should join together, as I've said, to change this. The only term limit that is good is a vote of the people. This is totally different than term limits for the Executive Branch. They are two totally different concepts.

A few years ago I addressed this Body and used a child's backpack as a visual aid. It contained the classroom tools and technology of the future: it had a computer, a compact disk player, a cell phone, and other things. Understand, though, that the future is now. You, as legislators, have no more urgent duty than to provide the resources for each child in Nevada to grow into the adult he or she dreams to be. These are hopes every parent shares.

Congresswoman Shelley Berkley and I have been political allies for all of her adult life and most of mine. She is doing a fine job in my old Congressional seat. I also express admiration for Governor Guinn, a man who has set an example for public service. An accomplished educator and businessman, he entered public service somewhat later in life. He has done well. I especially congratulate him on his unyielding battle against the corporate and bureaucratic giants trying to bury nuclear waste in Nevada. I also appreciate his recognition of Nevada's financial woes and his courageous efforts to lessen Nevada's huge deficit.

Dean Heller is a model for a successful Secretary of State. He has gained national recognition for his insight and his dedication. When Congress passed election reform last year, he was one of a handful of Secretaries of State to confer often with Chairman Chris Dodd, the author of the legislation. You should also closely review his new legislative initiative to increase the ease and accessibility of voting for Nevadans. Turnout in our state is low, very low. Registration is difficult. For no good reason, a Nevada citizen is prevented for registering for an extended period prior to a primary or general election. Modern technology, as shown in many other states, prevents fraud and allows people to register when their attention to campaigns and interest in an election's outcome are the highest. Only you can change this and I hope you do.

The Gibbons family has made politics a family affair. Congressman Gibbons is a national leader, having been the lead sponsor in the House of the Homeland Security legislation. He is also on the forefront of our nation's intelligence gathering efforts, which are so important to what is going on today, situated as he is on the exclusive House Intelligence Committee. Dawn Gibbons is not only a good legislator but also a friend and adviser to both Landra and to me.

John Ensign and I had one of the closest elections in the history of the state of Nevada. In spite of that difficult campaign and the tension that ensued, we have developed the closest working relationship in the history of Nevada's United States Senate delegations. Senator Ensign has been a pleasure to work with.

Each of you is a role model, a model for public service and a model for good government. As I look out on this audience and review the roster of state legislators, I see how diverse we are as a state. This Legislature is composed of men and women, Jews, Catholics, Protestants, and Mormons, people from the north and south of our state. Rural Nevada is represented. Many different ethnic backgrounds are present, but no person in Nevada has better represented our diversity, our growth, and the value of educational excellence than Miss Nevada, Teresa Benitez.

Teresa, please stand. Teresa, you have done such a wonderful job representing the state of Nevada that your legacy will be here for a long time. Keep up the good work.

It is an honor to serve the people of the state of Nevada. I am truly a fortunate man, even blessed, to have had the opportunity to serve as a City Attorney, a County Board Chairman, an Assemblyman, Lieutenant Governor, Chairman of the Gaming Commission, a member of the House of Representatives, and now a United States Senator. Every day I go to work so excited about what I'm about to do, so honored to be able to serve the people of the state of Nevada in the United States Senate. I come home at night tired, but I'm so glad to have the option to do what I did earlier that day. I want each of you to know that this is a great experience, to return to the Legislature. I have so many fond memories about the things that I did here with some of you. I close by saying that we all as legislators can make the state a better place. Working together can be even better than what we can do alone. I look forward to working with you. Thank you very much for allowing me to speak to you today.

Senator Care moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his timely, able, and constructive message.

Seconded by Assemblyman McCleary.

Motion carried unanimously.

The Committee on Escort escorted Senator Reid to the Bar of the Assembly.

Senator Carlton moved that the Joint Session be dissolved.

Seconded by Assemblywoman Weber.

Motion carried.

Joint Session dissolved at 5:29 p.m.

ASSEMBLY IN SESSION

At 5:30 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Nathan Sindar and Craig Hansen.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Colin Furr and Everest Cushing.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Eugene Cushing, David Jarkond, and Alex Fiannaca.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Lindsey and Tommy Dudley.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Austin and Jared Bennett.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Kenneston and Evan McCoy.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Gloria J. Sturman, N. Patrick Flanagan III, Ann Price McCarthy, Joshua Thielen, and Nathan daSilva.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Wollitz and Jessie Christiano.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Clampitt and Rick Bushnell.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Rahul Singal, Carlos Gomez, and Juan Gomez.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Bradley and Brandon Briggs.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Cliff Young, William Dietlein, and David Reese.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Duke Sanders and David Weisenthal.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ian Murdock and Daryl Altman.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Bivens and Kevin Haws.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Nancee Goldwater and Barbara Stapleton, Megan Hansen, and Ron Pierini.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Otto Hsiao and Tyler Kolstad.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Nicholas Shepack and Spencer Thomas.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Ward and Daniel Allen.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Andraski and David Mathews.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Spencer and Nicole Spencer.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Stapleton and Matthew Stellato.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Barden and Matthew Boyd.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Nestroyl and Timothy Provost.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Weaver and Andrew Sensibaugh.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Rahn and Josh Barham.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Hansen and Aaron Virgo.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Curtis Ortiz.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Collins and Thomas Paterson.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Flansberg and Kris Marshall.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Melia and Andrew Buist.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Zach Ford and Charles Glynn.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Colten Orr.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Wennhold and Terell McKnight.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Colton Wheat.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, February 19, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:31 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 19, 2003

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Dear God, In the hush of this moment we pray that Your tender spirit may steal into our hearts and reveal to us how near and how dear You are. There are times when You are not real to us, and we know why. It is not because You have withdrawn from us, but because we have wandered away from You; not because you are not speaking, but because we are not listening; not because Your love for us has cooled, but because we have fallen in love with things instead of persons. O Lord, melt the coldness of our hearts that we may again fall in love with You who has loved us so much.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 18, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 17, 57.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 161—AN ACT relating to motor vehicles; requiring that a passenger in a motor vehicle who is a child weighing 40 pounds or more be secured with a safety belt if a safety belt is available for the child's seating position; providing under certain circumstances that a vehicle may be halted and its driver cited for the primary offenses of the driver failing to wear a safety belt and of the driver failing to secure with a safety belt a passenger who is a child weighing 40 pounds or more; providing a civil penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goldwater, Gibbons, Parks, Beers, Chowning, Andonov, Arberry, Buckley, Claborn, Collins, Conklin, Giunchigliani, Griffin, Hettrick, Horne, Koivisto, Leslie, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams:

Assembly Bill No. 162—AN ACT relating to education; requiring the Legislative Auditor to conduct performance audits of Clark and Washoe County School Districts; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Goldwater, Gibbons, Parks, Chowning, Leslie, Anderson, Andonov, Arberry, Beers, Buckley, Claborn, Collins, Conklin, Giunchigliani, Griffin, Hettrick, Horne, Koivisto, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams:

Assembly Bill No. 163—AN ACT relating to financial practices; providing a penalty for a person who willfully offers into evidence as genuine certain fraudulent records or who willfully destroys or alters certain records under certain circumstances; increasing the penalty for certain securities violations; extending the civil and criminal statutes of limitations for certain securities violations; excluding the performance of certain internal audits pertaining to gaming licensees by certain independent accountants; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 164—AN ACT relating to Marlette Lake; abolishing the Marlette Lake Water System Advisory Committee; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 165—AN ACT relating to the Public Employees' Benefits Program; requiring the Board of the Program to ensure that rates established for coverage are the same for all persons who participate in the Program for that coverage; prohibiting the offering of options for coverage in a particular geographic area of this state if such options are not made available in another geographic area of this state; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 17.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 57.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 26.

Bill read second time and ordered to third reading.

Assembly Bill No. 46.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 5.

Amend section 1, page 2, line 1, by deleting "3" and inserting "~~[3]~~ *2*".

Amend section 1, page 2, by deleting lines 4 through 9 and inserting: "may be held at any place within the boundaries of the county. If the board meets outside the county seat, notice of the meeting must be given by publication once a week for ~~[3]~~ *2* consecutive weeks in a newspaper of general circulation published in the county or by publication for 1 week in two or more newspapers of general circulation published in the county.".

Amend the title of the bill to read as follows:

"AN ACT relating to counties; revising the requirements for the publication of notice of certain meetings of the board of county commissioners; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises requirements for publication of notice of certain meetings of board of county commissioners. (BDR 20-865)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that RENO GAZETTE-JOURNAL: Ray Hagar, be accepted as an accredited press representative, that he be assigned space at the press table in the Assembly Chambers, and that he be allowed use of appropriate broadcasting facilities.
Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.
Motion carried.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 5:09 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Ohrenschall and Atkinson as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator John Ensign.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly

IN JOINT SESSION

At 5:17 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senators Coffin and Mathews, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Hardy and Assemblyman Mabey to wait upon Senator Ensign and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable John Ensign, United States Senator from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Mr. Speaker welcomed Senator Ensign and invited him to deliver his message.

United States Senator John Ensign delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SECOND SESSION, 2003

Thank you, Mr. Speaker, Lieutenant Governor Hunt, Governor Guinn, Majority Leader Raggio, Secretary of State Heller, Attorney General Brian Sandoval, State Treasurer Brian Krolicki, Controller Kathy Augustine, Justices of the Supreme Court, fellow legislators, and fellow Nevadans. Thank you for allowing me to be with you tonight. I want to extend a warm welcome, especially to the freshman class of lawmakers. I know this is an exciting time and also an overwhelming time for you. Nevada has an esteemed history and has been blessed by the dedication of leaders such as Joe Dini and Jake Jacobsen, and, of course, the legendary Bill Raggio. There is a great deal to be learned from their decades of service, and I encourage each and every one of you to solicit their advice. In my first days in the U.S. Senate, I approached several senior senators for any insight they could give me. I was humbled by their experiences and eager to take their advice and then make my own mark on the United States Senate.

It's amazing to think that it was almost two years to this very day that I was last here in this Capital. Only two years ago, but on some levels it has been more like a lifetime in the history of our country.

Less than seven months after I spoke here in 2001, the United States was attacked. It is still unbelievable to think back to those horrific hours, days, and weeks that followed. It is clear today that the aftermath of those brutal strikes on America continues to resonate with us. The leadership in Washington is working to ensure the continued safety of our citizens from the wrath of lawless terrorists, something we will accomplish through the sacrifice, dedication, and courage of our armed forces, local, state, and federal law enforcement agencies. Less than one month after September 11, under the leadership of President Bush, the United States responded forcefully with remarkable precision and success. Our military proved its strength and power when, at a range of 7,000 miles, with only 426 men on the ground, we destroyed a regime of terror burrowed in a climate and a geography that had pummeled many forces before us. We didn't pick that fight on September 11, nor could we ignore it. To have ignored the reign of terror in Afghanistan would have given notice to Al Qaida and other terrorist organizations that our airplanes, financial centers, and military bases are fair play. They are not.

Now, another battle is likely brewing in Iraq. We didn't pick this fight either, but for the very same reasons, we cannot ignore it. More than ever, American resolve and leadership will be called upon. For more than ten years, Saddam Hussein has failed to comply with the United Nations' resolutions. Now, much of the world community has decided that Saddam Hussein just needs a little more time. I'm sure he agrees. After all, he just needs a little more time to finish building a nuclear weapon. When and if that happens, we've all run out of time.

It is never an easy decision to send our sons and daughters into war, but if we don't stop Saddam Hussein now, all of our children are at an unacceptable risk. From my seat on the Armed Services Committee and as Chairman of the Readiness Subcommittee, I will do everything I can to ensure that our military has what they need to get the job done. None of us wants war. War has tragic consequences, but in this case, with a madman determined to produce and use the most horrible weapons on the face of the earth against innocent Americans, inaction will have far more dire consequences.

As the issue of going to war or not going to war is raised across our country, I ask you to think about this. Several months ago, questions arose concerning what the government knew about potential terrorist activity and how soon before September 11 that intelligence was gathered. Hypothetically, if on August of 2001, the government, on some level, had a remote idea about what could occur, but no clear roadmap, do you think a preventive strike would have

been an option? After all, we knew there were terrorist camps in Afghanistan. We knew they were funded by Osama Bin Laden, who is committed to the destruction of our nation. We knew there was an increase in terrorist communications. If we could have spared thousands of people from the infernos on those planes, the World Trade Center, and the Pentagon on that dreadful day, if we could have stopped the sorrow and mourning of hundreds of thousands of family members and friends, if we could have prevented widowed wives from giving birth to fatherless children, we would have acted with, or without, the United Nations' permission. We are in the same type of a situation now. Condoleezza Rice said, "We can't afford to wait for a smoking gun because that smoking gun could be a mushroom cloud."

We were a very different nation before September 11. We were more innocent and more naïve about what terrorists were truly capable of doing. Today we have another September 11 approaching. If we do not preemptively stop the regime in Iraq from building its arsenal of chemical, biological, and nuclear weapons there will be another September 11, make no mistake about it, with the potential to be far more devastating to far more people. Only this time there will be no excuses for our inaction.

Obviously, the conflict in Iraq is at the forefront of what is going on in Washington and across the world. But there are many other issues we are working hard on that have a direct impact on Nevada and I would like to share those with you. Last year, President Bush signed into law landmark education reform. Nevada students benefited to the tune of at least $75 million over the next five years. The No Child Left Behind Act increases flexibility in how states utilize education dollars, increases accountability by requiring annual testing in math and reading, and empowers parents to ensure that their children don't get stuck in failing schools. After hearing from educators in Nevada about the challenges and frustrations of a budget that can't possibly keep up with our rapid growth, I went back to Washington and fought to include a high-growth grant provision to ensure that a fast-growing state like Nevada would receive the funding that we deserve. The law now requires the federal government to annually count the number of students in Nevada as opposed to past practices, which cost our state millions of dollars. Over the course of the authorization of the No Child Left Behind Act, this means an additional $55 million for the state of Nevada in Title I funds alone, funds which go to assist the most disadvantaged students. None of us should be willing to accept the fact that half of our nation's students are not performing at proficient levels, a situation that shortchanges them in their quest for a quality future. All children have the right to a quality education, regardless of their race or socioeconomic level, and the No Child Left Behind Act is designed to help those children who are most at risk of failing. Is this difficult to implement? Absolutely. Are there challenges ahead for you? Yes. But there is adequate funding to implement the testing, let me assure you. But even if there isn't, it specifically says in the bill, this will not be an unfunded mandate. You don't have to do the testing if we don't provide the funds. We will provide the funds from Washington, D.C., to implement the No Child Left Behind Act.

I have been sending out staff from my office, across the state, to answer questions about this Act and I want to encourage you, if you see problems, I want to hear about them. I am on the Education Committee now, and, as you know, we never craft perfect legislation, and we want to fix the deficiencies in the Act. A perfect example happened the other day, though not regarding this Act. Some people were visiting from Nye County and were talking about after-school programs and the mandates the federal government has requiring a certain number of instructors per students. It makes sense in a classroom setting but in an after-school setting they are at the point where they can't take their high school age kids on field trips because they can't afford to have that many adults with the children. This is a simple fix that we can do in Washington, D. C., to take that mandate off. Those are the kinds of ideas that I want to hear about from you.

Another issue with which you all are very familiar is the challenge to protect patient access to quality health care. I commend you for the important first step you took last year to help stop the exodus of doctors. Unfortunately, Nevada is not the only state that is affected. Several other states are seeing physicians, hospitals, and other health care providers limit their services or leave the profession altogether. This year I will reintroduce the Health Act to strengthen patient access to care through common-sense reform across the United States. The Health Act has several key reforms, including a $250,000 cap on noneconomic damages. Such a cap is crucial to

reduce health care costs for all of us. We know these are reasonable reforms because they work in California and Colorado.

An OB/GYN in Clark County paid as much as $141,760 for medical liability premiums in 2002. In Los Angeles, those same premiums were around $54,500; in Denver, those same premiums were just above $30,000. Both are in states that have had medical liability reform on their books for several years.

Stopping abusive lawsuits is critical to protecting those patients who deserve adequate compensation from injury, allowing doctors to provide care without fear of abusive lawsuits, and helping to reduce health care costs for every citizen. But medical liability reform is not enough. It is also essential that doctors enforce accountability within their own profession. State insurance commissions must vigorously protect consumers from price gouging from insurance companies. This is no longer a Republican versus Democrat issue, or even a doctor versus a lawyer issue; this is a patient's issue. We need to continue to provide patients everywhere the opportunity to receive affordable, accessible, and quality health care for years to come. A crisis in which couples feel forced to move away from Nevada to start a family is unacceptable. We must work together to solve this problem.

When it comes to providing quality health care, another important step is to make sure our senior citizens can afford the prescriptions that they need. We've all heard firsthand of the terrible hardships where seniors have to choose between paying rent and getting prescription drugs, or between taking a full dose of their medicine or maybe just half a dose on a daily basis. There is nothing healthy about these realities, nor is it healthy for society to stand by as our seniors struggle with these daily dilemmas. I'm working to make prescription drug coverage for Medicare seniors a reality. Once again, Nevada led the way. I compliment you, Governor, and the rest of you, for Senior Rx in Nevada.

It's time for the federal government to catch up to what you've done. This year I will be reintroducing legislation that would provide an overdue and much-needed prescription drug benefit to the Medicare program. It will offer a responsible solution to make medicine more affordable for those seniors who need it most. It will also provide immediate help to our nation's seniors in the form of a benefit that is voluntary, reliable, and gives seniors options. It will do so in a manner that complements, rather than replaces, the private prescription drug coverage that two-thirds of our retirees currently have today. Many seniors like their current prescription coverage and should not be forced to abandon them. I am working to ensure that any prescription drug benefit that Congress enacts fits well with what has been done on the state level. In addition, passage of a prescription drug benefit needs to be responsible not only to our senior citizens but also to the taxpayers. There are ways to implement such a program without bankrupting Medicare or the taxpayer.

Seniors are not the only ones struggling to stretch tight incomes in order to meet growing needs. Families in Nevada and across the United States face the challenge of paying their tax burden; providing food, clothing, and shelter for their children; and working even harder to have money left over so they can pay medical bills, enjoy a family vacation, save for education costs, or put money away for retirement. In an effort to allow families to keep more of their hard-earned money, President Bush has proposed an aggressive economic stimulus package that makes tax relief a priority.

I fully agree with the importance of tax relief to economic stimulation, and last week I introduced legislation in the Senate to end one of the most unfair taxes levied on American workers. Working Americans are forced to pay income tax on their Social Security taxes. This Social Security tax is textbook double taxation that robs working Americans. This means that when a family pays income tax, the portion that is withheld for Social Security—money that they don't see until retirement—is calculated into their personal income. When they retire, they get taxed on it. This is clear double taxation. With my legislation, 100 million would feel the savings to the tune of around $2,000 per family. Savings like that translates into real growth and opportunity. Scholars predict that our legislation would produce about a million jobs in the United States. This is a stimulus package that deserves to be enacted into law.

Here in Nevada, we know the importance of opportunity. Most people came to our great state for a better quality of life and opportunity. They deserve the best schools for their children, access to top-notch health care at all stages of life, and a chance to succeed. These are issues that

we can work on together, for the benefit of all Nevadans. My door is always open to you, and I encourage you to keep me informed of what we can do in Washington, D.C., to be more effective here at home. Nevadans now have the benefit of five members of Congress in Washington, D.C., with the addition of Congressman Porter.

Interestingly, the Congressional Quarterly recently noted that no two Senators from the same delegation have more different voting records than Senator Reid and I have. Yet, the relationship that we share is really a model for a closely-divided Senate. But make no mistake about it, he's still a proud Democrat and I'm still a proud Republican. But when it comes to issues that most affect the state of Nevada, these issues are usually not partisan. That's where our relationship comes into play. Two great examples of our relationship were the killing of the ban on NCAA sports betting. And on the Clark County Lands Bill that was signed into law last year, we brought opposing groups together to create this legislation that will greatly improve the quality of life in southern Nevada for generations to come. The Clark County Lands Bill was based on model legislation that former Senator Dick Bryan and I put together called the Southern Nevada Public Lands Management Act. The success of that legislation continues to unfold as hundreds of millions of dollars have been raised to acquire environmentally sensitive land, build parks and trails, and make improvements in our recreation and conservation areas. This legislation has already improved the quality of life in this state and will continue to do so.

Quality-of-life issues including education, health care, and taxes will be the focus of debate in this state capital and in our nation's capital over the next several months. We must remember what a privilege it is to have the right to debate these issues; for our constituents to have the ability to share their opinions with us; and for the media to freely report that debate, though some of us don't like that sometimes. This legislative Body and the freedoms which we have must be cherished. They are the very reasons that despots around the world hate us. As these debates and others develop, we must remember the responsibility we must uphold as leaders of a democratic nation.

I thank you, tonight, for your service and commitment to the state of Nevada. I ask you to join me in praying for our men and women in uniform. I ask you to join me in praying for our President. I ask you to join me in praying for peace. We don't want to go to war, so I ask you to join me in that. Now I bid you adieu. Thank you for allowing me to share a few words with you tonight. God bless you and God bless the United States of America. Thank you.

Senator Nolan moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Ensign for his timely, able, and constructive message.

Seconded by Assemblyman Claborn.

Motion carried unanimously.

The Committee on Escort escorted Senator Ensign to the Bar of the Assembly.

Senator Cegavske moved that the Joint Session be dissolved.

Seconded by Assemblyman Goicoechea.

Motion carried.

Joint Session dissolved at 5:43 p.m.

ASSEMBLY IN SESSION

At 5:44 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 8.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Nicole G. Bruno and Anthony M. Bandiero.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Branagan.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Young and David Roger.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Adams, Brent Alexander, Eve Allen, Liz Andrews, Weston Arnold, Angela Bai, Haley Ballinger, Andi Bardelli, Richard Barkley, Rex Barton, Nick Basso, Jessica Beairsto, Crystal Becerra, Michael Beers, Mary Benna, Nathan Berry, Nick Bogan, Paul Brandl, Lance Brophy, Matt Bunn, Marie Burbank, Kateland Butler, Alex Bybee, Corri Callahan, Rachel Capurro, Natalie Carano, Angelo Carreon, Kristin Carter, Alex Chambers, Brittany Chandler, George Chemor, Mike Chunat, Chris Cobb, Clint Congdon, Jessica Crawford, Tyson Cross, Kaylene Crum, Terran Dear, Justin Degelman, Adrian Delatorre, Chanse Dennis, Annamaria Desipris, Darren Deweese, Elizabeth Driscoll, Melissa Dulcey, Lawrence Edwards, Becca Elston, David Everling, Erik Fostvedt, Nate Franklin, Rachel Fuetsch, Lindsay Funston, Victoria Gallwas, Kourtney Gansert, Gunnar Garms, Ben Garrido, Stephani Gehlen, Nicole Gerrard, Jen Gianoli, Anna Gilbert, Tracie Grant, Colin Green, Christy Griffin, Lorena Groeneveld, Keenan Haley, Ashley Hall, Jessica Hartmann, Nick Higman, Jennifer Hodges, Joey Hodges, Therese Hooft, Rafa Ibaibarriaga, Tony Jimenez, Casha Kayfer, Mike Kessler, Erin Kette, Stephen Komadina, Ryan Lanning, Mitzi Labranch, Breanna Leuthold, Andy Logan, Kate Lomen, Matt Lucero, Brendan Lujan, Monica Maloney, Andrew Maloof, Tina Marshall, Carly Mathisen, Clark McBride, Jim McCarthy, Cody McElroy, Pete McHugh, Emily McKenna, Julie Minnix, Brennan Mishler, Erika Mortlock, James Moss, Andrew Nehrkorn, Tasha Nielsen, Austin Nunez, Michael O'Mara, Jen Paine, Richard Parise, Sabrina Paulsen, Ryan Pinjuv, Scott Poindexter, Betsy Polak, Stephanie Rector, Whitney Richburg, Travis Riley, Clint Robbins, Kenzie Romero, Katie Rossi, Jennifer Rowan, Victoria Sanders, Karey Sarlo, Thomas Schwedhelm, Matthew Shafer, Devin Seidel, Levi Smith,

Kyleianne Soule, Hank Sprague, Jen Staats, Donel Sullivan, Matt Sweeney, Kyle Swift, Aimee Taylor, S. Taylor-Caldwell, Amy Thrower, Dan Torres, Josh Valverde, A.J. Vaus, Jennifer Walker, Brittany Walshaw, Valeria White, Cheryl Wilkerson, Blaine Wimsatt and Monica Woolridge.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Holmes and Ann Holmes.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Ray Williams and Jenny Williams.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Woodson and Abel Carlos.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, February 20, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:45 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 20, 2003

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

For the members of this Body we ask Your guidance, but we do not want to forget the support personnel who make it possible for these women and men to function as they do. We thank You today for all the staff that work so faithfully to do the work behind the scenes. For the secretaries and clerks and, yes, even the janitors. We lift up those at the Front Desk who work so hard each day. For our Chief Clerk and all her helpers, we give You thanks. Help us always to be grateful for all those around us who give us support for what we do.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

ELLEN KOIVISTO, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 19, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 63.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 8, 70.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Chowning, Buckley, Perkins, Gibbons, Parks, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Christensen, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie,

Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Pierce, Sherer, Weber, and Williams; Senators Coffin, Care, O'Connell, Townsend, Cegavske, Amodei, Carlton, Hardy, Mathews, McGinness, Neal, Nolan, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Washington, and Wiener:

Assembly Concurrent Resolution No. 3—Granting administrative leave to legislative employees in recognition of their service to the 72nd Session of the Nevada Legislature.

Assemblywoman Chowning moved the adoption of the resolution.

Remarks by Assemblymen Chowning, Hettrick, and Ohrenschall.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Brown, Knecht, Anderson, Andonov, Arberry, Beers, Buckley, Carpenter, Chowning, Christensen, Geddes, Giunchigliani, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Mabey, Marvel, McCleary, Mortenson, Oceguera, Perkins, Sherer, and Weber (by request):

Assembly Bill No. 166—AN ACT relating to structured settlements; requiring the approval of the court for the transfer of the right to receive payment pursuant to a structured settlement; and providing other matters properly relating thereto.

Assemblyman Brown moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Brown; Senators O'Connell, Amodei, Cegavske, and Hardy:

Assembly Bill No. 167—AN ACT relating to public works; establishing a pilot program for the use of indefinite quantity contracts by the Clark County School District for certain public works; and providing other matters properly relating thereto.

Assemblyman Brown moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

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

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:17 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Brown moved that the action whereby Assembly Bill No. 167 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Brown moved that Assembly Bill No. 167 be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Giunchigliani, Anderson, Parks, Goldwater, Gibbons, Arberry, Atkinson, Buckley, Claborn, Collins, Conklin, Horne, Leslie, Manendo, and Williams; Senator Carlton:

Assembly Bill No. 168—AN ACT relating to industrial insurance; requiring an insurer who provides industrial insurance in certain counties to ensure the availability of certain services for injured employees within those counties; revising the requirements for reimbursement for certain providers of health care; authorizing an injured employee to choose any physician or chiropractor under certain circumstances; revising the requirements for determining the percentage of disability for certain injuries and occupational diseases; authorizing a person who is aggrieved by a written determination of the Administrator or the failure of the Administrator to respond to a written request to appeal the determination or failure to respond to an appeals officer under certain circumstances; revising the requirements related to light-duty employment; increasing the compensation payable to an injured workman if his employer or an agent of his employer removes certain safeguards or protections under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 169—AN ACT relating to State Government; revising provisions governing voluntary deductions for employee organizations and labor organizations from the payroll of state officers and employees; repealing the authority of the State Controller to adopt regulations concerning such deductions; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Manendo, Claborn, Ohrenschall, McClain, Gibbons, Arberry, Atkinson, Collins, Goldwater, Koivisto, Parks, and Williams:

Assembly Bill No. 170—AN ACT relating to the Department of Motor Vehicles; providing that certain applicants for drivers' licenses, instruction permits, identification cards and commercial drivers' licenses may authorize the Department of Motor Vehicles to forward to the Selective Service System personal information necessary for registration with the Selective Service System; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Gustavson (by request):

Assembly Bill No. 171—AN ACT relating to motor vehicles; increasing the maximum amount of the fee that the Director of the Department of Motor Vehicles is required to establish for the Program for the Education of Motorcycle Riders; reducing the required period for which a person must have held a motorcycle driver's license or endorsement to apply to be an instructor for the Program for the Education of Motorcycle Riders; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Parks, Buckley, Goldwater, Conklin, Chowning, Anderson, Arberry, Atkinson, Gibbons, Giunchigliani, Goicoechea, Horne, Koivisto, Leslie, Manendo, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams; Senators Titus, Neal, Care, and Wiener:

Assembly Bill No. 172—AN ACT relating to insurance; prohibiting the delivery or issuance for delivery in this state of a policy of insurance against liability arising out of the ownership, maintenance or use of a private motor vehicle if the premium for the policy is determined using a factor of geography or territory other than the geographic service region in which the insured motor vehicle is garaged; requiring a policy of liability insurance for a motor vehicle to include a provision for the reduction of the premium for certain persons who have a record of safe driving; requiring the Commissioner of Insurance to establish geographic service regions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Arberry:

Assembly Bill No. 173—AN ACT relating to public employees; increasing the salaries of certain forensic specialists employed by the State; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Arberry and Williams:

Assembly Bill No. 174—AN ACT relating to underutilized businesses; requiring under certain circumstances a preference for such businesses with respect to purchasing by local governments and contracting for public works; requiring certain licensees of the Nevada Gaming Commission to establish goals concerning contracting with underutilized businesses; providing that certain public bodies may give a preference in selecting a professional engineer, professional land surveyor or registered architect who subcontracts with or receives supplies from underutilized businesses; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that the action whereby Assembly Bill No. 174 was referred to the Committee on Commerce and Labor be rescinded.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 174 be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 175—AN ACT relating to school districts; providing for the appointment of a temporary replacement to a board of trustees of a school district for a member who enters active military service; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 8.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 63.

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

Motion carried.

Senate Bill No. 70.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 26.

Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Assembly Bill No. 26:

YEAS—42.

NAYS—None.

Assembly Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 46.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 46:

YEAS—42.

NAYS—None.

Assembly Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Assembly Bill No. 5 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 4:50 p.m.

Motion carried.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 5:13 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Collins and Sherer as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Jim Gibbons.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly

IN JOINT SESSION

At 5:22 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senators Coffin and Raggio, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except for Assemblymen Anderson and Marvel, who were excused.

Presentation of the Colors by the Sparks High School ROTC.

Pledge of Allegiance to the Flag.

Special musical rendition by Miss Cethe Autumn Choux, accompanied by Ms. Sue Parkhurst.

The President of the Senate appointed a Committee on Escort consisting of Senator McGinness and Assemblywoman Gibbons to wait upon Representative Gibbons and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Jim Gibbons, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Mr. Speaker welcomed Representative Gibbons and invited him to deliver his message.

United States Representative Jim Gibbons delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SECOND SESSION, 2003

Thank you, Mr. Speaker, Governor and Mrs. Guinn, Lieutenant Governor Hunt, Leaders Raggio and Titus, Leaders Buckley and Hettrick, members of the Legislature, distinguished guests, and fellow Nevadans. Thank you for your kind reception. It is such an honor to be standing here in the well of this House talking to you this evening. Thank you for inviting me back to the Legislature as you conduct a very important work on behalf of the citizens of Nevada.

To begin with this evening, I would like to share with you a simple story of Edgar Watson Howe. You probably have never heard of Edgar Watson Howe, the sage of Potato Hill, but around the turn of the last century he was a well-known homespun newspaper editor in Atchison, Kansas, and a champion of the common people. Howe put his faith in the governed, rather than in the system. He once wrote, "The government is mainly an expensive organization to regulate evildoers and tax those who behave; government does little for fairly respectable people, except annoy them." My friends, the more things change the more they stay the same. We all know how important the challenges are, and how difficult the decisions will necessarily be in the months ahead. Tonight it is a pleasure for me to provide my insights on matters affecting us here at home, throughout the country, and the world abroad. But, I certainly did not come here to annoy you.

Since my last visit here two years ago, the world has changed dramatically. Thousands of people have lost their lives; whole communities have been shattered due to terrorism in this country. And now, ladies and gentlemen, we are a nation at war, fighting enemies spread all across the globe, enemies who hide out in small groups of five or six people, in countries of millions, including our own backyard. This was not our desire for the future, but the choice was not ours, the choice was theirs. Our enemies seek to undermine freedom and basic human rights. They continue to disregard the rule of international law and they continue to threaten America and our allies. Here at home, we strive to protect our borders, our infrastructure, and our citizens, while at the same time, we continue to face the economic aftershocks of September 11, 2001, and the terrorists' attacks on our country.

We all know that Nevada's economy was hit particularly hard. Our tourism-based economy, which is largely measured by occupied hotel rooms, sold-out shows, filled convention halls, and crowded casino floors, has yet to see a full recovery, but, these are indeed historic times; times when we are struggling to keep the American dream alive. I know when I was younger the American dream meant owning your own home and having little babies running around the halls, but when they became teenagers, I changed my American dream. Oh, it is still owning my own home, but it's getting those little babies out of that home and on to their own.

As the saying goes, home is where the heart is, and I would like to begin with where my heart is: right here in Nevada, with my family sitting here, especially my first grandchild, Grant Gibbons. Grant's first birthday was just a few days ago. I am also proud to be here with so many friends, and, yes, while we may sometimes differ politically, we all love Nevada. The state of Nevada faces many challenges, but we are not alone. States all across this nation are confronting revenue shortfalls, forcing you, the stewards of the precious tax dollars, into making very difficult decisions. Yet, that is why many of you chose to run for office, to make the tough decisions. I know I did. And now you, my friends, have been entrusted by your respective constituencies to do just that.

Signs of economic recovery in Nevada, and throughout the nation, are steady but precarious and frustratingly slow. The slightest push in the wrong direction will destabilize our economic recovery. Nevada is fortunate to have one of its own on the front lines, developing strategies to help our state's economy. This year, Lynn Hettrick will become the National Chairman of the Council of State Governments. Congratulations, Lynn. In this capacity, Lynn will not only develop ideas to improve Nevada's economy, but he will seek goals in developing a better relationship between state and federal governments.

We all understand that the first step to economic recovery is restoring consumer confidence. In our economy, every able-bodied American must be confident that they will have a job today, a paycheck on Friday, with enough money to pay the bills at the end of the month, and in the end, they must be confident that they will have a secure retirement. This is by no means an easy task, but it must be one of our principal goals. I believe accomplishing this goal will restore and renew that peace of mind so that many Americans will once again take to the highways and skies, and come to visit Nevada and enjoy our great attractions, even if just to visit their investment in this state.

Indeed, lessons are being learned from our recent budget shortfall. We all realize that Nevada can no longer rely solely on its two largest economic industries, gaming and mining, just to pay the bills. While one industry, gaming, spreads like wildfire across the country, now legal in almost every state, the other is under constant attack by well-funded, special interest groups who

seek either to obstruct, regulate, or sue them out of business. The thoughtful minds of Lorraine Hunt, Bill Raggio, Richard Perkins, Bernice Martin Mathews, David Goldwater, and many others, all continue to lead our State in the effort of diversification, and they clearly deserve our praise for helping diversify our economy.

My friends, there is a legitimate concern from our fellow Nevadans that tax policy, whether it originates in Washington, D.C., or here in Carson City, is often being formulated under the wrong set of priorities. In Washington, we are presently considering tax relief measures that will help speed up our economic recovery. As Sir Winston Churchill once said at a time when England was also suffering from some of the same conditions that we are in the United States, "A nation trying to lift itself into prosperity by raising taxes is like a man standing in a bucket trying to lift himself up by the handle." We could actually use some of that Nevada-born common sense in fighting for tax and spending discipline in our nation's capital. I want to tell you that Monday my plane leaves for Washington, D.C., and, Senator O'Connell, I'll save you a seat.

We are presently developing tax relief proposals in Washington, under the leadership of President Bush, that will speed up our economic recovery, and most importantly, put Americans back to work. Though some would like you to believe otherwise, our plan helps all federal taxpayers in every income bracket, including the low- and middle-income taxpayers. For example, a typical middle-income family of four, with a combined income of $40,000, will have their federal income tax lowered from approximately $1,200 per year to $45 per year, under this plan. Ladies and gentlemen, for those of you that survived math in elementary school, that is a 96 percent decrease in their federal income tax obligation. That is real tax savings for low- and middle-income families in this country. And to be fair, those in the highest earning income will eventually be paying a larger share of the tax revenues. Most importantly, our plan will relieve a record 39 million taxpaying working Americans from ever having to pay taxes again. The lowest income bracket categories will be eliminated from having to pay federal income tax. We accomplish this by speeding up the marginal rate cuts so that they take place this fiscal year, rather than waiting for them to be phased in between 2004 and 2010. Our plan accelerates the per-child tax credit immediately; it completely eliminates the marriage tax penalty; and finally condemns to the grave, once and for all, the onerous and unfair death tax. But most importantly, in my opinion, we must make these tax cuts permanent. No matter the timing, it is already public law that these tax cuts are in place and these tax cuts will take place over the next eight years even if we do nothing. When the Congress passed these cuts under the President's leadership just two years ago it received overwhelming bipartisan support. Many of us remain hopeful that legislation making these cuts permanent will receive the same level of support. What happens if we fail? If we fail to make these cuts permanent, we end up right back where we were two years ago with American working families paying historically high taxes. Think of it this way, if Congress fails to make these tax cuts permanent, mark your calendars, Americans will automatically, and without choice, experience the largest tax increase in our nation's history on January 1, 2011.

I often hear people ask, "How does this help restore consumer confidence?" Some have and will continue to argue that cutting taxes and choking off the revenue stream to government is causing some serious discomfort within the halls of government and, indeed, in the halls of Congress. But if our economy is causing discomfort, isn't our duty to look first, and foremost, at the discomfort of the taxpayer and not the discomfort of government? No citizen of this state, or in any state for that matter, should fall for what has been presented as a false choice. The debate is not about having to pass massive tax increases so that we can preserve the helping hand of the federal government. As a matter of fact, many would argue that you strengthen our national government by making it more efficient, and therefore, more focused and effective in its mission. Quite simply, you cannot demand the taxpayers to discipline themselves during tough times if the same has not already been completely and thoroughly demanded of government. We are fortunate that in our government we have thousands of men and women who are working hard to carry out important, and oftentimes necessary, government programs. But now more than ever, we must carefully determine where we draw the line between balancing a government program's checkbook against the taxpayer's checkbook. As families all across Nevada realize, you base your spending on how much you earn; you don't base your earnings on how much you

want to spend. The hurdle presented by the Tax Restraint Initiative was motivated by these very principles and it will, once again, play a role in this historic session of your Legislature. These are tough decisions, but you are the right people, at the right time, serving this state, and ultimately, you will do what is best for Nevada's citizens.

Another lesson Nevadans have learned is that economic security cannot be achieved without first ensuring personal security. On October 4, 2001, less than one month after the horrific terrorist attacks on our country, I introduced legislation in the House of Representatives to establish a Department on Homeland Security. This legislation set out to merge the functions of 100 different federal agencies having overlapping jurisdiction and responsibility for some portion of homeland security. I felt this was necessary to ensure that our government is better able to protect its citizens and to protect you in Nevada as well. Not long after that legislation was introduced, I had the honor and privilege to meet with the President at the White House as he unveiled his support for this legislation, creating this new department. Through a series of tough negotiations and the usual turf battles between legislatures and administrations, between committee chairmen and heads of federal agencies, we did what was needed and right for the American people. On November 25 of last year, the President signed into law the creation of the Department of Homeland Security. This set into motion the largest reorganization of our federal government since World War II, over years ago. Now, our task and challenge is to make it work.

It was an honor for me to have Nevada's Homeland Security Chief, Jerry Bussell, with me at the White House signing ceremony and I'm glad he has joined us here this evening. As Jerry knows, in any true challenge in life, the work isn't easy, but the rewards are always beyond measure. Thank you, Jerry, for the important work you do in protecting Nevada citizens, as well as protecting those who like to pay us a visit from time to time. The work that Jerry and thousands of other Americans tend to each day, on the front lines of homeland defense, is critical to our personal well-being, and it is critical to our economic well-being. The attacks of September 11 introduced global terrorism right onto America's front doorstep. For the first time in decades, Americans now truly understand the importance of foreign policy. The light-heartedness of the '90s has been replaced by a new seriousness about our future in the twenty-first century. That is why we continue day after day, week after week, to hunt down terrorists, both here at home and abroad. I was glad to see that just yesterday we indicted eight more terrorists, including a college professor in southern Florida. Our war on terrorism is an effort that will likely outlive most of us in this room.

One year ago, I became the proud grandparent of a beautiful baby boy. Now, I'll tell you, if that doesn't make you want to strengthen Social Security, nothing will. But it makes me want to support even more those who serve and protect our country and our future. In doing so, my grandson, Grant, and your children and grandchildren, can look back on our effort—yours and mine—and take pride that we rose to the occasion just as our parents and grandparents did in World War II.

On September 11, 2001, terrorists attacked our country. It was one of the darkest days in our history. We must be prepared to say, "never again"; never again to the darkness of terrorism, and do it with a focus and determination. We will continue to disrupt these terrorists; we will continue to frustrate them; we will continue to apprehend them, one by one. We will bring swift and certain justice to each and every one of them.

While we continue the effort to better protect our homeland, we face brutal dictators and regimes abroad. But we do not have to go back far in the history of this country to see the history of our efforts in this area. Those of us old enough to remember 1964 and the Cuban Missile Crisis know President Kennedy saw a threat, an imminent threat, with the missiles in Cuba. He began to mobilize a war effort. In 1998, President Clinton used military forces and set out to dislodge the brutal dictator, Slobodan Milosevic. He did that to ensure regional peace and national security. Make no mistake about it, ladies and gentleman, there are other rogue regimes such as those of Saddam Hussein and North Korea's Kim Jung Il, who pose an immediate threat to our national security. Many ask whether the threats posed by these rogue regimes are real. Oftentimes I hear the question, "Are they imminent?" I'm not sure if imminent isn't a French word. Ladies and gentleman, it is a valid concern, and it is a debate that we should welcome whenever we put our troops in harm's way. But to address this concern, ask yourself the following question: If you were in a room and through the door walked a known criminal with a

known, violent record of murder and mayhem, who was armed with a gun, would you consider it an imminent threat when the bullet was halfway between the gun and you? Of course not. We know how to handle violent thugs here at home. Sadly, this process is carried out, each and every day, on the streets of America. When our law enforcement learns of a violent criminal who has just acquired illegal weapons, they don't sit around and wait to see if the criminal will use the weapon. They go get him. Thank goodness for their bravery. Thank goodness for their service to our communities as well.

Ladies and gentlemen, complacency is deadly when it comes to national security. If we do not face the world's dangers head-on, if we do not proactively use American power to promote our values and make the world a more just place, the enemies of freedom will prevail. And that is something I cannot and I'm not willing to ever accept. Folks, if we wait until the bullet has been fired, if we wait for Saddam to attack our friends and our allies with chemical, biological, or nuclear weapons, if we wait for him to sell his weapons to terrorists so that they, as agents of Saddam, can deliver them right here to the United States—it is too late. By that time, what is imminent is no longer up for debate. It is no longer up for interpretation. By that time, it is no longer a threat, it is an attack and many more Americans will lose their lives. I cannot accept that, and I hope that neither can you. We've been deliberate. We've been patient in addressing this threat, and we have exhausted all reasonable diplomatic options.

The citizens of this country and the United Nations have understood for some time that it has been, and it will be, up to Saddam to voluntarily disclose his weapons and actively disarm them. It is not up to the United States to play hide-and-seek with Saddam Hussein. It has also been understood and agreed to by the United Nations in Resolution No. 1441 that if he continued to defy and deceive the world, we would lead a coalition to disarm him. I ask you: What, therefore, is the purpose that we achieve by asking, time and time again, for continued passage of resolutions asking for the same thing? It is similar to the judgments made right here in this very Chamber, in this building or in the Halls of Congress. As legislators, we would not be writing new laws each time we passed one, only to find that no one is enforcing it. We would want to make sure that agencies are doing what we have asked them to do the first time. In order for the UN to remain relevant in this world, it must enforce already passed resolutions rather than calling for new ones each time their resolutions are not adhered to.

As a veteran, as a father, and as a grandfather, I strongly believe that going to war should always, always be the last resort. But just as we found out in 1964, just as we found out in 1998, when freedom, safety, and stability are at risk, sometimes we just have to fight. Yes, this war, if it does occur, will be costly. You can expect the price of gasoline to go up again. Yes, it will be costly in terms of human lives. That is the sad tragedy of any war. We've already lost thousands of American lives. We found out long ago that freedom isn't free, but we must never sink back into the illusion that if we do nothing, we will be safe and free.

In the months ahead, we must not only rally around our troops to ensure that they have the proper support from our government and citizens, but we must also keep in mind those they have left behind. Americans rarely wane in their support for their military men and women as they sacrifice for our country, but too often, we forget about the sacrifices of their families. Nevadans have played a vital role in almost every significant military operation our nation has undertaken. There are soldiers, sailors, and airmen from all over the state: from Naval Air Station Fallon, Nellis Air Force Base, our National Guard and Reserve men and women. Their families, right now, are making this sacrifice, not for themselves, but for you and for me and for Grant Gibbons, whom they do not even know—for all America.

Ladies and gentlemen, it is my honor here tonight to introduce to you and to the state, three great Nevadans who are serving our nation and helping lead us out of the darkness of terrorism. First is Captain Andra Kneip. Andra, would you please stand. As anyone can see, she's not a guy and she flies fighters. Andra, who is an A-10 pilot, on the night of March 5 spent an exhausting eight hours flying in enemy territory fighting entrenched Afghan gun emplacements which were shooting at her, as well as defending U.S. ground forces that were pinned down by Al Qaida enemy fire. Throughout this long and dangerous mission, Captain Kneip was credited with saving the lives of numerous U.S. forces. She was recently awarded two Distinguished Flying Crosses for her selfless acts of courage. Andra's husband, Major Scott Kneip, is also an A-10 pilot and was active in the war in Afghanistan. By the way, he is a native of

Winnemucca, Nevada. Both are exemplary Nevadans serving at Nellis Air Force Base. They both deserve our thanks, and we do thank you for everything you've done for our country.

Also with us tonight, I have the honor to introduce another brave young man who has just been awarded one of our nation's highest awards, the Silver Star, for gallantry in action in Afghanistan. This young man was a helicopter pilot on a medical evacuation mission when Operation Anaconda began. While en route to his destination, he learned that three soldiers were pinned down and suffering a withering barrage of heavy fire from the enemy. He diverted his helicopter to the battle area, he located the three soldiers, and only by jeopardizing his own life was he able to rescue these three soldiers while under heavy fire. Not only did he save these three soldiers so they could come home to their families after the operation was finished, but he made a difference in the battle for freedom. Ladies and gentlemen, please help me welcome First Lieutenant Thomas J. Cahill, United States Air Force, and his two sons who are with him. He is another American hero from Las Vegas and Nellis Air Force Base. Lieutenant Cahill, please stand. Ladies and gentleman, these are just three of America's finest. I want to thank them for taking the time to come here this evening to be with us; most importantly, for showing all of us how to stand up to terrorists.

There are many other issues, besides national security, demanding our attention. Nevada is faced with one of the worst nursing shortages in the entire nation. While the average age of registered nurses in Nevada continues to rise, we attract fewer and fewer bright men and women into this important field. I want to congratulate Assemblywoman Koivisto, who has made this issue a priority for her committee. Madam Chairman, thank you for leading the charge in this effort. You're truly making a difference in the fight for quality health care for all Nevadans.

Nevada is continuing its fight for fair and open public land policies, especially those affecting our natural resources and energy development needs. Last year, we established a model for cooperation in the Clark County Public Lands Bill. With the outstanding help of Senator Harry Reid and Senator John Ensign, this legislation provided for the sound and equitable disposal of developable lands to accommodate Nevada's tremendous growth, while setting aside more than 450,000 acres of land for wilderness protection. We worked with land users, we worked with recreational users, and we worked with environmental groups to accomplish two basic goals: provide land for responsible growth and protect the environment for future generations. In the end, we compromised where we could, we dug in our heels where we couldn't, and eventually we reached a delicate balance in accomplishing our goals. It was the right approach, at the right time, and it was the right thing to do.

You know, in Washington, D.C., I am always telling people how much I love Nevada. Most importantly, I always love when Nevadans come out to Washington and stop by my office for a visit. But there is one group that I especially like to see. They come in wearing their boots and their cowboy hats, and occasionally even attempt at a tie. This group really makes heads turn as they walk through the halls of Congress. They head down the corridor of the Cannon House Office Building, with people stopping and staring as if believing the gunfight at the OK Corral is about to break out. I can hear my neighbors down the hall, from Florida, New Hampshire, and from Massachusetts saying, "Oh no, Gibbons has his posse in town." I just tell them, "Yes, I do. And I'm darned proud of each and every one of them." I am talking about those Nevadans who spend each and every day of their lives fighting to protect our Western Heritage, our traditions and our industries such as farming, ranching, mining, hunting, and recreational opportunities. I'm talking about those people, of course, in this very room, like Dean Rhoads, Mike McGinness, Pete Goicoechea, John Carpenter, John Marvel, Tom Collins, and Jerry Claborn, just to name a few. I'll tell you, when they get together, they're a sight to be seen. To each of you, thanks for all of your hard work in preserving the Nevada we all know and love.

And finally, it wouldn't be appropriate for me to talk about our state's priorities without talking about our commitment to Nevada's veterans population. There are many veterans right here in this room tonight who do not get the recognition for their service to our nation. People like Assemblyman Walter Andonov, who has made the great sacrifices for our country. However, too many times, we fail to thank them for their sacrifices and their service. So tonight, ladies and gentleman, before I end my remarks, I want to read into the record a letter from the Chief of Naval Operations thanking one special veteran. And that person is someone we have all worked with and learned to love and appreciate over his 40 years of legislative service to our

country and to our state. I would like to read into the record, Mr. Speaker, a letter from the Chief of Naval Operations:

> Dear Senator Jacobsen,
>
> Please allow me to add my congratulations on this historic day for the Jacobsen family and the state of Nevada. On behalf of all the men and women of the United States Navy, I'm very proud and honored to be able to convey our gratitude for your selfless service to our nation in so many different capacities.
>
> Your voluntary enlistment in the Navy began more than two years before the onslaught of World War II. Serving in the Pacific Fleet, you witnessed not only the attack on Pearl Harbor, but the battles of Midway, Coral Sea, Guadalcanal, and a dozen other historic engagements now commonly recognized as some of the fiercest naval battles in world history. You made a commitment to our country that has been unwavering throughout the decades, collecting more Navy memories and adventures in your nearly seven years of active duty than most sailors accumulate in a full thirty-year career. You shifted your sights to the private sector and ultimately heeded the call to public office.
>
> As distinguished as your time in the Navy may have been, your commitment to Nevada and its citizens support of you has been reinforced throughout forty years of legendary service. Our sailors work hard to honor the legacy of those who have served and sacrificed before them. As they pledge to support and defend our Constitution, they do so knowing you have sailed and fought before them. And thank you for it.
>
> Sincerely,
> Admiral Vernon Clark, U.S.N.
> Chief of Naval Operations

Jake, I want you to know I have the original of this copy framed and I will get it to you as soon as I can. Jake, you have been a bright, shining beacon for a lot of us here tonight, and I, for one, want to publicly thank you for all you have done for Nevada.

And as I leave here tonight, ladies and gentleman, to return to the eye of the storm in Washington, D.C., to represent you and fight for Nevada, I want to thank you for inviting me to speak with you this evening. As I turn and close the pages of this speech, I want you to know my thoughts are with you because I know your challenges are great and that there are no easy answers and there is no easy path. I know you will do what is right for Nevada. You are all good friends and Nevada is truly blessed to have your leadership and your service. Nevada is in good hands. Good luck to each and every one of you. God bless this great country. Good evening.

Senator Rhoads moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Gibbons for his timely, able, and constructive message.

Seconded by Assemblyman Grady.

Motion carried unanimously.

The Committee on Escort escorted Representative Gibbons to the Bar of the Assembly.

Senator Rawson moved that the Joint Session be dissolved.

Seconded by Assemblyman Christensen.

Motion carried.

Joint Session dissolved at 6:18 p.m.

ASSEMBLY IN SESSION

At 6:19 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Reeves.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Miller.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Morgan Tucker and Cassie Wylie.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Smith.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Ryan and James E. Inman.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Pete Perez, Stacy Perez, and Mason Perez.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to John Pierce.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Miguel Mendoza.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Venicia Considine.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, February 21, 2003, at 10:30 a.m., and it do so in the memory of Richard Marvel.
Motion carried.

Assembly adjourned at 6:20 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETEENTH DAY

CARSON CITY (Friday), February 21, 2003

Assembly called to order at 10:38 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Marvel and Williams, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father, who art Lord of heaven and of all the earth, You know the difficulties these men and women have to face and the grave decisions they must make. Have mercy upon them, for Jesus' sake.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 20, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 6, 87, 88, 89.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Claborn, McCleary, Anderson, Gibbons, Chowning, Arberry, Atkinson, Collins, Conklin, Goicoechea, Horne, Koivisto, Leslie, Manendo, McClain, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, and Williams:

Assembly Bill No. 176—AN ACT relating to public works; requiring the Labor Commissioner to survey certain additional employers to establish the prevailing rates of wages; providing that certain workmen are deemed to be employed on public works; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 177—AN ACT relating to motor vehicles; revising provisions relating to the issuance to certain disabled persons of special license plates, placards and stickers; revising the period within which the holder of a valid registration must notify the Department of Motor Vehicles of a change of name or residence address; revising provisions relating to the issuance of duplicate number plates and substitute number plates; revising provisions relating to submission to the Department, at the time of registering a vehicle, of evidence of automobile liability insurance; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 178—AN ACT relating to motor vehicles; requiring the Director of the Department of Motor Vehicles to ensure that certain documents submitted to, issued by or retained by the Department contain the full legal name of the relevant person; providing that the document setting forth indicia of the ownership of a motor vehicle shall be known as a "certificate of title"; making various other changes relating to the operations of the Department; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Giunchigliani, Williams, Parks, Gibbons, Ohrenschall, Anderson, Arberry, Atkinson, Buckley, Chowning, Collins, Conklin, Goldwater, Horne, Koivisto, Leslie, Manendo, McClain, McCleary, Oceguera, Perkins, and Pierce; Senator Carlton:

Assembly Bill No. 179—AN ACT relating to education; providing in skeleton form for the repeal of the Legislative Committee on Education, the Legislative Bureau of Educational Accountability and Program Evaluation, the Commission on Educational Technology and the Council to Establish Academic Standards for Public Schools; removing the requirement that a pupil pass the high school proficiency examination as a condition to receipt of a high school diploma; requiring the State Board of Education to prescribe

endorsements to the standard high school diploma; revising provisions governing the administration of achievement and proficiency examinations to pupils with disabilities and pupils whose primary language is not English; revising provisions governing the reporting of achievement and proficiency examinations; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Goicoechea, Christensen, Chowning, Anderson, Andonov, Beers, Carpenter, Claborn, Collins, Conklin, Grady, Griffin, Hardy, Koivisto, Mabey, McClain, Parks, Perkins, Sherer, and Weber; Senator Rhoads:

Assembly Bill No. 180—AN ACT making an appropriation to the Interim Finance Committee for allocation to White Pine County for the purchase and restoration of 120 miles of Nevada Northern Railroad track that connects Ely to the Union Pacific track near Wells; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Goicoechea, Collins, Chowning, Anderson, Andonov, Beers, Carpenter, Christensen, Claborn, Conklin, Grady, Griffin, Hardy, Koivisto, Mabey, McClain, Parks, Perkins, Sherer, and Weber; Senator Rhoads:

Assembly Bill No. 181—AN ACT making an appropriation to the White Pine Historical Railroad Foundation for renovation of historic buildings and Locomotive 40; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Koivisto, Collins, Chowning, Claborn, Parks, Anderson, Arberry, Atkinson, Buckley, Christensen, Conklin, Giunchigliani, Goldwater, Leslie, Manendo, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams:

Assembly Bill No. 182—AN ACT relating to employment practices; authorizing an employer to enter into an agreement with a labor organization which requires each employee who is not a member of the labor organization recognized by the employer to pay a fee which represents his proportional share of the costs relating to collective bargaining, the administration of contracts and the adjustment of grievances; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Koivisto, Chowning, Gibbons, Parks, Hardy, Anderson, Atkinson, Claborn, Collins, Manendo, McClain, and Pierce (by request):

Assembly Bill No. 183—AN ACT making an appropriation to Clark County for the provision of mental health services in Laughlin; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 6.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 87.

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

Motion carried.

Senate Bill No. 88.

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

Motion carried.

Senate Bill No. 89.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 6.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Randal, Terry Stelle, Nicole Fisher, T. Nekoba, Karen Barba, Nubia Barrantes,

Marie Camacho, Lleraldin Cano, Robert Courser, Adriano Garcia, Brayan Garcia, Jubel Harbinson, James Johnson, Roberto Lomeli, Bernabe Lopez, Griselda Marquez, Adan Melo, Keisha Mendez, Monica Nunez, Humberto Padilla, Aaron Palacio, Lilian Peralta, Khang Pham, Jacome Rios, Baby Turcios, Jaqueline Valle, Ircia Alonzo, Ileana Arellano, Cristian Burgara, Carlos Canan, Maria Gallegos, Ricardo Garcia, Jeannette Grajeda, Raul Gutierrez, Brandon Herrera, Christina Hunter, Christia Martinez-Valdez, Barbara Muro, Ngeluul Ngiraulau, Angelica Padilla, Bryan Ramirez, Perla Ramirez, Silverio Ramirez, Tonya Rangel, Veronica Rangel, Marco Sanchez, Nicholas Shepherd, R.J. Vilayvong, Luis Villeda, Kamal Basanti, Karen Black, Giovanni Camargo, Juan Corona, Brisa Cortez, Genesis Galicia, Preston Heller, Ricardo Higareda, Catherine Vieyre, Sammantha Himes, Gloria Jimenez-Zamora, Mosese Katoa, Cuitlahuhac Maciel, Xiomaro Magana, Jonatha Medina Gutierrez, Tania Mejia, Wilmer Merlos, Matthew Moffet, Stephanie Ortiz, Amber Sam, Austin Sampson, Gabriela Silva, Silvia Silva, Brittney Stinson, Jaycee Abel, Autumn Andrews, Ryan Arevalo, Cesar Buenrostro, Lesley Carias, David Chen, Eduardo Chi, Sheila Christy, Miguel Contreras, Juan Cordero, Norma Fuentes-Alvarez, Alex Jauregui, Ana Martinez, Dominic Ngiraidong, Ricky Rainville, Brenda Ramirez, Marcial Rascoon, Alejandro Reyes, Kenneth Rodriguez, Dawn Standish, Daniel Torgerson, Enrique Torres, and Ana Velasques.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Henderson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline McIntosh and Joan Fincher.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Blinn.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, February 24, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 10:53 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 24, 2003

Assembly called to order at 11:23 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry and Ohrenschall, who were excused.

Prayer by the Chaplain, Pastor Monte Fast.

A moment of thanks. The beauty of this little valley, nestled against the Sierra Nevada. The warmth of the people of this little valley, their hospitality, their charity, their goodness. A moment of prayer. For people in another faraway capital who mourn. For the loss of 97 young lives. For the families who do not have answers. Protect the people of our valley while You comfort the neighbors of our sister state.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 21, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 3.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 4—Providing for the appointment of additional attachés for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Cecilia G. Colling, Janet Stokes, and Kyle T. Wentz are elected as additional attachés of the Assembly for the 72nd Session of the Nevada Legislature.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblywoman Chowning moved that Assembly Bill No. 19 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ohrenschall, Buckley, Manendo, Chowning, Giunchigliani, Anderson, Leslie, and Pierce:

Assembly Bill No. 184—AN ACT relating to manufactured home parks; creating the Manufactured Home Park Rent Review Board within the Manufactured Housing Division of the Department of Business and Industry; prescribing the powers and duties of the Board; prohibiting certain persons from imposing an increase in rent unless the increase has been approved by the Board; revising the powers and duties of the State Library and Archives Administrator; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Anderson, Ohrenschall, Collins, Conklin, Horne, Koivisto, Mabey, McClain, and Sherer:

Assembly Bill No. 185—AN ACT relating to compensation; excluding certain sports officials from the payment of unemployment compensation or workers' compensation; excluding certain sports officials from participation in the Public Employees' Retirement System; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 186—AN ACT making an appropriation to the Board of Regents of the University of Nevada for establishment of the Nevada Educational Support Program; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Angle, Knecht, Gustavson, Griffin, Sherer, and Weber; Senators Rawson, O'Connell, Cegavske, and Shaffer:

Assembly Bill No. 187—AN ACT relating to tort actions; providing that defendants in an action for medical malpractice are severally liable for economic and noneconomic damages; limiting the recovery of noneconomic damages in all tort actions; requiring that damages awarded in certain actions be reduced by the amount of any benefit received from a collateral source; providing that defendants in an action for personal injury or wrongful death are severally liable for noneconomic damages; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 188—AN ACT relating to prisoners; requiring a prisoner who commences a civil action to pay the full amount of any filing fees under certain circumstances; prohibiting a prisoner from bringing a civil action for mental and emotional injury without a prior showing of physical harm; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Parks, Chowning, Koivisto, Manendo, Anderson, Atkinson, Buckley, Claborn, Conklin, Geddes, Goldwater, Grady, Griffin, Hardy, Knecht, Leslie, McClain, McCleary, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Williams; Senator Wiener (by request):

Assembly Bill No. 189—AN ACT relating to crimes; providing a greater penalty for false imprisonment when committed by using the person so imprisoned as a shield or to avoid arrest; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 113.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 6 be taken from the General File and placed on General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Parks, Giunchigliani, Gibbons, Anderson, Chowning, Atkinson, Buckley, Claborn, Conklin, Geddes, Goldwater, Grady, Griffin, Knecht, Koivisto, Leslie, Manendo, McClain, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Williams; Senator Wiener:

Assembly Bill No. 190—AN ACT relating to contractors; revising the circumstances in which construction fraud occurs; clarifying the circumstances in which the Executive Director of the State Contractors' Board may seek a cease and desist order; revising the circumstances in which the State Contractors' Board may require a licensed contractor to post a bond for wages; providing that the State Contractors' Board shall suspend the

license of a licensee who is prohibited from being awarded a contract for a public work; revising and clarifying the circumstances in which the State Contractors' Board may take disciplinary action against a licensee; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Wayne Robinson and Jim Ithurralde.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Les Carey.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Sienna Reed.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, February 25, 2003, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:34 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), February 25, 2003

Assembly called to order at 11:34 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Goldwater and Ohrenschall, who were excused.

Prayer by the Chaplain, Pastor Monte Fast.

St. Paul stated, "Faith, hope, and charity, but the greatest of these is charity." We ask for charitable hearts. For it is only when we give of ourselves freely, with hearts full of charity, that real change in the hearts of misfortune or needy persons takes place. Let us not be satisfied with the passage of budgets and bills. But reward these leaders from across our state when they give of themselves without thought of reward.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 74, 129, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TOM COLLINS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 24, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 32.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Collins, Gibbons, Claborn, Andonov, Angle, Arberry, Beers, Brown, Buckley, Christensen, Geddes, Giunchigliani, Goicoechea, Grady, Griffin, Hardy, Hettrick, Koivisto, Mabey, Manendo, McClain, McCleary, Mortenson, Oceguera, Pierce, Sherer, and Weber:

Assembly Bill No. 191—AN ACT relating to crimes; providing for an enhanced penalty for committing burglary of a research facility; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 192—AN ACT relating to motor vehicles; expanding the categories of vehicles for which the special license plates indicating support for the promotion of agriculture within this state may be issued; providing for the issuance of souvenir license plates indicating support for the promotion of agriculture within this state; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 193—AN ACT relating to agriculture; revising the provisions governing commercial fertilizers and agricultural minerals; requiring the Director of the State Department of Agriculture to adopt regulations concerning the application, distribution and classification for restricted use of certain commercial fertilizers and agricultural minerals; prohibiting a person who is not registered with the Director from selling or offering to sell at retail, or distributing or delivering for transportation for delivery to the consumer or user, a commercial fertilizer or agricultural mineral that is classified for restricted use; requiring the State Board of Agriculture to adopt regulations establishing fees for such registration; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 194—AN ACT relating to insurance; prohibiting an insurer from requesting or requiring certain applicants or policyholders to provide a copy of their consumer reports; prohibiting an insurer from using information included in the consumer report of an applicant or policyholder as a basis for determining whether to issue, renew, cancel or increase the

premium of certain policies of insurance; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 32.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 6 and 13 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 27, 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to George Harris.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Stefanos Mengesha, Bruce R. Jones, Julie Jones, Tamiru Jones, and Tamirat Jones.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Ward.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Hal Keaton.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, February 26, 2003 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:46 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), February 26, 2003

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Mortenson and Ohrenschall, who were excused.

Prayer by the Chaplain, Pastor Monte Fast.

What beauty surrounds us: the brilliant sunshine; the western peaks of the Sierra Nevada; the blue of our lake; the dusting of white snow; the friendliness of our citizens; the kindness of our charities and churches; the potential of our youth; the wisdom of our seniors. Grant that our work will enhance the beauty of our Nevada.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

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

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:15 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 25, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 43, 77.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 107, 128.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Collins, Chowning, Claborn, Andonov, Atkinson, Brown, Buckley, Giunchigliani, Hardy, Koivisto, Manendo, McClain, Oceguera, and Pierce:

Assembly Bill No. 195—AN ACT making an appropriation to the Department of Transportation for the planning and construction of ports of entry on certain highways; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Collins, Chowning, Claborn, Andonov, Atkinson, Buckley, Geddes, Giunchigliani, Goicoechea, Grady, Hardy, Koivisto, Manendo, McClain, Oceguera, Pierce, and Sherer:

Assembly Bill No. 196—AN ACT relating to local governments; authorizing certain local governments to require the dedication of certain land or impose a tax on nonresidential construction projects for regional parks; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 197—AN ACT relating to highways; requiring the Department of Transportation to act within a certain period upon certain applications from governmental entities for easements or licenses or permits for encroachments on certain highway rights-of-way; providing standards for the consideration of such applications; providing for the judicial review of the denial of such an application; prohibiting the Department from charging certain fees under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 198—AN ACT relating to the Public Employees' Retirement System; creating a rebuttable presumption that a person is an independent contractor and not an employee of a public agency under certain circumstances; authorizing a public employer that receives notification that a current employee was not properly enrolled in the System to appeal that determination to a hearing officer of the Hearings Division of the Department of Administration; providing that, with respect to a final determination that a current employee was not properly enrolled in the System, the period during which the employee was not properly enrolled as computed by the System

for the purpose of calculating benefits must not exceed 3 years under certain circumstances; changing the periods within which an employee and employer must pay contributions and interest after a final determination that the employee was not properly enrolled in the System; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 199—AN ACT relating to counties; exempting the proceeds from the annual tax that a county may impose to support a county museum, art center or historical society from the limitation on allowed revenues from taxes ad valorem for the county; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hettrick, Perkins, Parks, Knecht, Angle, Arberry, Beers, Brown, Buckley, Chowning, Christensen, Conklin, Geddes, Goicoechea, Grady, Griffin, Koivisto, Marvel, McCleary, Oceguera, Sherer, and Weber; Senator Cegavske:

Assembly Bill No. 200—AN ACT relating to taxation; authorizing a county to sell tax liens against parcels of real property located within the county under certain circumstances; requiring the county treasurer to issue a certificate of purchase for each tax lien sold; authorizing the purchaser of a tax lien to commence an action for the collection of the delinquent taxes, penalties, interest and costs; providing for the delivery of a deed to a parcel of real property which is the subject of a tax lien to the purchaser of that lien under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Leslie and Williams:

Assembly Bill No. 201—AN ACT relating to children; revising certain provisions relating to awards of money made by the Committee for Protection of Children from the Children's Trust Account to certain agencies, organizations or institutions; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Angle, Beers, Brown, Buckley, Geddes, Goicoechea, Gustavson, Hardy, Mabey, and Weber; Senator Neal:

Assembly Bill No. 202—AN ACT relating to tobacco; prohibiting smoking in all public areas of certain stores that are principally devoted to the sale of food for human consumption off the premises unless the smoking area is segregated by walls on all sides; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Perkins, Collins, Horne, Anderson, Parks, Andonov, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Claborn, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hettrick, Leslie, Mabey, Manendo, Marvel, McCleary, Mortenson, Oceguera, Pierce, Sherer, Weber, and Williams:

Assembly Bill No. 203—AN ACT relating to higher education; creating the Committee to Evaluate Higher Education Programs; providing for its organization, powers and duties; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 204—AN ACT relating to state finances; temporarily increasing the amount of certain taxes on businesses, liquor and cigarettes and certain gaming license fees; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 43.

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

Motion carried.

Senate Bill No. 77.

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

Motion carried.

Senate Bill No. 107.

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

Motion carried.

Senate Bill No. 128.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 27.

Bill read second time and ordered to third reading.

Assembly Bill No. 33.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Collins moved that Assembly Bill No. 74 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 129.

Bill read second time and ordered to third reading.

Senate Bill No. 11.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 6 and 113 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 205—AN ACT relating to taxation; increasing the tax on the rental of transient lodging within the City of Sparks to pay for certain projects and capital improvements that are intended to attract and expand tourism; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 11:33 a.m.

ASSEMBLY IN SESSION

At 4:59 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker pro Tempore appointed Assemblywoman Koivisto and Assemblyman Geddes as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice Deborah Agosti.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker pro Tempore invited the members of the Senate to chairs in the Assembly

IN JOINT SESSION

At 5:06 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Coffin, Mathews, Nolan and Townsend, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except for Assemblymen Mortenson and Ohrenschall, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator O'Connell and Assemblywoman Leslie to wait upon the Honorable Chief Justice Deborah Agosti and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Nevada Supreme Court Chief Justice Deborah Agosti appeared before the Bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

Mr. Speaker pro Tempore welcomed Chief Justice Agosti and invited her to deliver her message.

Chief Justice Agosti delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SECOND SESSION, 2003

Lieutenant Governor, Mr. Speaker, Mr. Speaker pro Tempore, Attorney General Sandoval, Controller Augustine, Treasurer Krolicki, Chief Secretary of State Parker, my colleagues at the Supreme Court of Nevada, colleagues, the judges present here tonight from all levels of the courts of Nevada, invited guests and friends, good afternoon. My name is Deborah Agosti. I am here today on behalf of the Supreme Court of Nevada. Just a few short weeks ago I assumed the duties of Chief Justice and so it is my privilege and my responsibility to speak to you today about the state of Nevada's judiciary. I particularly want to thank you for permitting me this opportunity to inform you of some of the major substantive developments within the Judicial Branch of government in Nevada.

I would like to introduce my colleagues who are here with me today: Justice Robert Rose, Justice Bill Maupin, Justice Myron E. Leavitt, Justice Nancy Becker, and our most recently invested colleague, Justice Mark Gibbons. Also present is the President of the Nevada Judges Association (NJA), Judge Dan Ward, Justice of the Peace in New River Township, Fallon. The NJA's membership includes Nevada's justices of the peace and municipal court judges, and he is here tonight representing that organization. Judge Jim Hardesty, vice president of the Nevada District Judges Association, is standing in for President Dan Papez, who lives in Ely and was unable to be here. There are many judges here today from all levels of the courts in Nevada. They are eager to meet with you, the legislators, at the reception following my remarks, to tell you about challenges for them today and the solutions they are attempting. Would the judges please stand.

I've invited a number of guests to be here because of their close association with the courts of Nevada and their contributions to the strength of the judiciary. I would like to introduce the President of the State Bar of Nevada, Gloria Sturman, and Allen Kimbrough, the Executive Director of the State Bar. The bench and the bar have enjoyed an excellent working relationship as we've addressed matters of mutual concern. I would like to introduce the Dean of the Boyd School of Law at UNLV, Richard Morgan. Please join me in congratulating Dean Morgan for accomplishing so much at Boyd Law School in such record-breaking time. We learned just several days ago that the school has been awarded full accreditation by the American Bar Association. That is a credit not only to Dean Morgan, his students, and his faculty, but also to you, the Legislature, and the many interested and involved individuals across the state, which made the school possible. I also want to introduce to you the President of the National Judicial College, William Dressel. The college, which is situated in Reno, as you know, plays a fundamental role in providing education to all levels of the state court trial judges in the country. The Nevada judiciary has been particularly blessed by its close association with the College and has benefited from the many educational opportunities it presents. This is a special year for the National Judicial College, which is celebrating 40 years of service to judges and to justice. Next, I would like to introduce to you two people who haven't directly contributed anything, not one tin nickel, to the judicial system in Nevada, but they make my day every day. These are two of the finest young men I've ever met, my sons, Anthony and Austen Walsh.

I also wish to acknowledge the presence of our State Court Administrator, Ron Titus, and our Clerk of the Supreme Court, Janette Bloom. Mr. Titus and Ms. Bloom are joined tonight by several members of their very capable staffs. Rather than introduce all the Court's personnel to you now, I would instead remind you of the Supreme Court's invitation for all of you to join us after the conclusion of my remarks for a reception at the Supreme Court Building next door. It's a short walk, neighbors! I hope you will have the opportunity there to visit informally with me, the justices, the many judges from across the state that are here this evening, the staff of the Court, and the staff of the Administrative Office of the Courts. Finally, I want to acknowledge and thank my judicial assistant, Jeannette Miller, for all her hard work in connection with this address.

I want to just very briefly tell you a little bit about myself because I realize that for many of you, I am a new face. I have just begun my twenty-first year as a judge, and people have long

since stopped calling me "that young lady on the Bench." I served for 2 years as a justice of the peace in Reno Township and for 14 years as a judge in the 2nd Judicial Court in Washoe County. I am in my fifth year of service as a member of the Supreme Court.

We expect much when we speak of justice and the judicial system. We want fairness, equal treatment under the law for all, accessibility regardless of wealth, opportunity to be heard, swift determinations, harmony, and happy endings. Yet when we speak of justice and the judicial system in America, we hear the words overcrowded, unresponsive, expensive, slow, cumbersome, and inaccessible. Albert Einstein described a fundamental law of physics that applies to modern institutions as well. He said, "Nothing happens until something moves." I am proud to tell you that the Nevada courts are on the move.

In preparation for my report to you today concerning the state of the judiciary, I corresponded with judges at every level: the district court, the justices court, the municipal court; and I asked the representatives of these courts to describe for me, so I could describe for you, some of the more substantial developments that have taken place in the two years that have passed since the last time this address was delivered. The responses I received were so overwhelming that it is literally not possible for me to tell you about all or even a good portion of the programs, experiments, services, projects, and innovations taking place in the courts across Nevada. I have assembled a binder, which contains the many letters I received from the courts. The binder will be at the reception and I invite you to peruse it there. This binder documents a phenomenon that has taken place in the judiciary in Nevada. That is the very real change that has taken place in the way judges think about justice and in the way they view their mission to the communities they serve. That change in thinking is now reflected in the way the courts of this state do business.

From my vantage point, observing the courts on a daily basis from within for over 20 years, I believe the changes in approach and performance by the courts represent a very real and substantive shift in the way we dispense justice in this state. We are witnessing the coming of age within the courts of a new approach which is an active management style with respect to cases; a proactive address of societal problems like poverty, drug and alcohol abuse, domestic violence; a problem-solving philosophy, and community-oriented in nature. No longer is the judicial role limited to dispute resolution through the traditional adversarial mechanism of trial. Our judges no longer perceive their function as solely and slowly to decide the cases that come to them. The courts are now addressing broader societal problems in a systematic way and attempting to improve the delivery of justice and to do their part in partnership with other entities to improve their communities and the delivery of justice. I am so proud to be here today representing a vital, proactive, socially responsive, problem-solving judiciary, and conscientious men and women who have dedicated themselves and given of themselves for the cause of the improvement of the quality of justice in Nevada. We observe this phenomenon of physics and institutions as described by Einstein, this movement that creates and foments change in specific, identifiable areas of law. And again, I will describe some of the highlights, but there is no way I can talk about all the work of all the courts in the time I have.

First, in the area of families and children: This year we celebrate the tenth anniversary of creation of the family court as a specialty area within the district court. It isn't just about hearing divorce cases anymore. Both the 2nd Judicial District, Washoe County, and the 8th Judicial District, Clark County, offer self-help centers where self-represented individuals, primarily indigent persons, can obtain information and reliable forms to assist them in preparing themselves for court in such matters as divorce, custody, visitation, support, and domestic violence cases. If you can, I encourage you to visit the Clark County's Self-Help Center. It is a beehive of constant activity, and it hums. Washoe County has acquired some grant funds and used the funds to hire for its Self-Help Center a part-time Spanish-speaking paralegal to assist Spanish-speaking victims of domestic violence. Also, under the domain of the family court jurisdiction are guardianship proceedings. These can be very difficult cases, where the court wants to protect the ward's person and property, but may have no way to independently assess whether a guardian's actions are truly in the ward's best interests. Washoe County, this past year, began the Special Advocates for Elders (SAFE) Program, which is the first of its kind in the nation. The SAFE Program functions much like the Court Appointed Special Advocates (CASA) Program does in the area of children. SAFE trains and assigns volunteers to assist

elderly wards in guardianship cases and to provide the court with valuable information to help guide the court to humane and appropriate decisions affecting the lives of our elderly, who, as the result of infirmity, can no longer make these decisions for themselves.

Both of our state's large urban courts have instituted specialty drug courts within the juvenile and family court systems. In Clark County, the ribbon was cut in 2002, opening Donna's House, a supervised visitation center and a supervised safe exchange point for parents in conflict. Once again, grant money was sought out to bring about this badly needed pilot program. Donna's House, by the way, was named for a woman who had worked in the Clerk's Office in Clark County. Her daughter witnessed Donna's violent death, which was the result of domestic violence. We hope Donna's House will prevent repetition elsewhere in Clark County of that tragedy. Mediation is encouraged and supported in the family courts, and, indeed, in every district court that hears family matters in Nevada. Clark County's Family Mediation Center provided mediation services to well over 3,000 families in the last two years. In 2002, 88 percent of the families there successfully mediated their child custody issues. The savings are not just in the time the courts might have spent hearing otherwise contested matters, but in the lives of the children whose parents are learning to resolve their differences in positive, meaningful, and nonadversarial ways.

In the 6th Judicial District, which encompasses Humboldt, Lander, and Pershing Counties, and in the 7th Judicial District, which encompasses White Pine, Eureka, and Lincoln Counties, the courts have focused attention on the prevention of juvenile delinquency. In the 7th, the Juvenile Diversion Program was launched in 2002 in partnership with Ely State Prison. The program teaches children about choices through a tightly controlled visitation experience at the state prison. And unlike the controversial and ultimately unsuccessful Scared Straight programs of the past, this program is positive in nature, emphasizing responsible decision-making.

In the 6th Judicial District, the court has partnered in Lovelock and Winnemucca with the boards of county commissioners there and the school districts there to actually purchase or build and staff alternative education schools for at-risk youths. And negotiations are underway to do the same in Battle Mountain. Once again, the 6th Judicial District has searched out grant money to bring these changes to these rural communities. In the 4th Judicial District, which encompasses Elko County, teen court has been operating very successfully for several years under that court's direction. Elko County's court has also instituted the Divided Family Workshop, at a modest cost to the participants, which again stresses to parents who are in dispute over custody and visitation issues, the importance of working together, despite their personal differences. A mental health professional facilitates the workshop and helps the participants to learn communication skills and cooperation strategies.

In the area of criminal law, the courts have forged ahead with highly successful specialty therapeutic court programs. I would like to introduce Judges Archie Blake from the 3rd Judicial District, which includes Lyon and Churchill Counties, and Peter I. Breen of the 2nd Judicial District, which is Washoe County. Judge Breen is the longest sitting district judge in the state of Nevada, having taken the bench in January of 1974. I was privileged to work with him for 14 years in Washoe, and I can personally attest that he is the moving force behind Washoe County's highly successful Drug Court and Mental Health Court. Judge Blake, a 15-year veteran of the district court bench, presides over one of the most important innovative programs in our judicial system, a Regional Drug Court. This very unique Drug Court was created by the rural judges to address drug-driven criminal activities in their jurisdictions while also solving the chronic rural problem of scarce resources by sharing resources among the 1st, 3rd, and 9th Judicial Districts, the 1st being Carson City and Storey County and the 9th being Douglas County. Again, the 3rd is Lyon and Churchill Counties. With grant money and with funds authorized by the Legislature and the cooperative efforts of the district attorneys, law enforcement, public defenders, and local governmental bodies, offenders are treated in the Western Regional Drug Court at an extraordinarily successful rate. Since September of 2001, 140 offenders have entered the program and only 12 percent have washed out.

In civil law, the courts have searched, studied, experimented, and found better ways to actively and successfully manage the growing caseloads and the increasingly complex cases. Time doesn't permit me to provide the kind of detail their efforts truly deserve, but I do wish to highlight two significant innovations in Clark County. The first is a new tool to permit parties

with cases that are not of substantial monetary value to access the court in a speedy and less expensive way than through the traditional trial process. Called the Short Trial Program, it uses four-person juries and accelerates the actual trial presentation process with the goal of concluding the case in one day. Uncomplicated cases of modest monetary value are heard by attorneys who preside as pro-tem judges, thereby freeing up valuable time for the district court. The potential for the Short Trial Program is enormous: in 2002, 47 cases were resolved through trial or settlement in this very new program.

The second innovation, one you can actually touch, walk into and observe, is the Complex Litigation Center, space leased in Clark County and converted for use in extremely complicated multiple party cases, primarily the construction defect cases. This courtroom accommodates up to 50 counsels, along with their clients, and has a public seating gallery of 100. It is done inexpensively. The chairs for the lawyers and the public and counsel tables are all collapsible and movable for maximum flexibility and functionality. If the size of the case is larger, bring in more chairs and more tables. If smaller, move them out. It is wired for visual aids, computer access, PowerPoint, slides, and the like. When I visited the Center with Justice Gibbons, I had the opportunity to watch Judge Alan Earl, an incredibly hardworking and competent judge in Clark County, conduct a construction defect case. We didn't mean to interrupt the proceedings, but to my embarrassment, Judge Earl halted the proceedings and introduced Justice Gibbons and me to the jury and the litigants and the attorneys. The jurors actually expressed to us their satisfaction with the facility.

A combination of programs and policies in Washoe County, including its no-bump—no continuance for little reason—policy of civil cases set for trial, pretrial conferencing of every case within 60 days of its being filed, comprehensive case settlement mediated by a sitting judge, and the institution of Business Court has resulted in significant delay reduction and enhanced case disposition there despite a 23 plus percentage increase last year in case filings.

All the district courts and significant numbers of the justices and municipal courts are using technology to increase their efficiency. The 8th, Clark County, has very recently implemented an impressive e-filing system for complex litigation cases. Several courts at all levels and the Administrative Office of the Courts (AOC), on behalf of the rural courts, have adopted software known as Court View, which will permit them to communicate electronically with less possibility of error and increase standardization, which is always desirable.

The Sparks Justice Court, in a pilot program, is the first court in the state to actually receive traffic citations from the Washoe County Sheriff's Department, electronically. The deputies use hand-held computers to issue the citations; the citations are downloaded to the sheriff's main computer. From there, clerks at Sparks Justice Court retrieve and print all the citations meant for their court. By passing citations electronically, data entry by court clerks is virtually eliminated, in turn eliminating delay and waste, reducing staff time and the possibility of error when the same data is entered again and again. Once the case is concluded, the Sparks court can forward the dispositions immediately to the Department of Motor Vehicles (DMV) once they are in a position to retrieve them. And that is expected in the near future.

The 8th Judicial District's Web site in Clark County makes self-help legal forms available over the Internet. Even the 4th, in Elko, makes court forms in domestic relation cases available on the Internet.

The MC-IJIS project—the Multi-County Integrated Justice Information System—which is also known as the Griffin Project because it is the brainchild of District Judge Mike Griffin here in Carson City—began as an electronic information sharing system for all the criminal justice entities in Carson City, Storey, Churchill, and Lyon Counties. It has grown. It is nearing completion. When it becomes operational, it will permit the sharing of data in criminal cases among the courts, law enforcement entities, as well as the State Criminal History Repository. What began as a rural project soon demonstrated its potential for statewide application. It should be online this year.

And not to be outdone, the Henderson Municipal Court expects this year to provide realtime video/audio streaming access via the Internet to all its court proceedings. You can watch your spouse take his/her speeding ticket to Henderson Municipal Court and you don't have to leave home.

At the Supreme Court level, we have been busy both administratively and in addressing the caseload. We commenced and completed the Jury Improvement Commission, the results of which we hope will benefit the courts and the public we serve in terms of cost savings and improvement in the procedures of trial, which we hope will advance the cause of justice. We look forward to working with the Legislature as you consider statutory changes in exemptions and the method of juror compensation that we will request as a result of the Commission's recommendations. We have worked closely with the State Bar Association on the multi-jurisdictional practice of law, making Nevada the first state in the union to adopt comprehensive rules regulating multistate practice. We have revised our own Bar admission rules and will begin offering the Bar Examination two times a year in 2004.

We revised our rules governing the limited admission to practice in Nevada under circumstances that will benefit the work of legal services corporations and public service with the district attorney and the public defender, primarily in rural areas. In capital cases we have adopted rules governing the appointment of panels. Many other projects were undertaken to address such areas as the management of construction defect cases, expansion of drug courts, and the expansion of alternative dispute resolution programs, including the Short Jury Trial Program and mandatory arbitration. We have worked closely with the district, justices, and municipal courts to revitalize the state and regional judicial councils. At the Supreme Court, we have extensively revised our internal operating procedures as we continue our efforts to expedite justice in our case dispositions. On that point, 1,711 cases were filed in 2002. We have not experienced an increase in our annual filings over the last five or six years. We have continued to attack the backlog, with further case reductions in the past two years of 341 cases. Our total case inventory is currently at 1,363 cases. We can't properly call this a backlog anymore, as many of these cases are not yet at issue; they are still in the pipeline awaiting full briefing, or records from the trial court, or argument, or disposition discussion.

The panel system has been very helpful in addressing the backlog, but as we gain experience with the panel process, so do the attorneys. As a result we are seeing the same case several additional times in the form of motions for rehearing by the panel and reconsideration by the *en banc* court and rehearing by the *en banc* court. When a motion for rehearing or reconsideration is made, by its nature it activates a complete review of the case and the record by the court. These motions require then a great deal of time and resources to be handled responsibly.

We have given a great deal of thought to our aspirations for the institution of an Intermediate Appellate Court (IAC) in Nevada. We consider the eventual creation of such a court an indispensable feature of the court system in Nevada, in its future. However, we are cognizant of several realities. First, filings in the Supreme Court have not increased. In graphing out the development of our caseload you can actually see that the court's filings seem to increase and then level off, increase and level off, each time at a higher level. But while we are in a period of level filings, and while we have done so much to decrease the backlog and expedite cases, we recognize that during this time of financial uncertainty and fragility, the citizens of Nevada may be hard-pressed to agree to spend tax dollars to fund a new appellate court. They would have the final say because they would vote. As Justice Bob Rose has said so many times in the past, in reference to the expected increase in the Supreme Court's caseload, "We know the train is on the track; we just don't know when it will get here." So, after much reflection and discussion as a court, and with somber hearts, we will ask you to enact legislation authorizing the creation of an IAC as a first-time process. We will also seek to change the language of the proposed constitutional amendment from the mandatory language used in the past, "the Legislature must create an IAC," to permissive language, "the Legislature may create an IAC." We would then leave it to you to decide when the time is right and the money is available for the implementation of this court.

The Settlement Program at the Supreme Court continues to support our efforts with the caseload as well. We could not deal effectively and expeditiously with the current incoming cases without that program. The money appropriated for the Settlement Program is money well spent. Of the cases referred to the Settlement Program, we continue to experience a successful settlement rate of around 54 percent.

What is the Supreme Court's direction, and the future direction of the courts of this state? In a word—technology. The heart of our proposed budget is technology. As I speak today, the Supreme Court is in poor shape technologically. With the institution of an in-house Information Technology Committee, comprised of representatives of the AOC, the staff of the Court, and justices of the Court, we have identified our areas of deficiencies and extended our existing resources as best we can to address the deficiencies. We are possibly the last state Supreme Court in the United States to go online with a Web site. That happened just a couple of months ago. It is a small Web site and it is not an interactive Web site. It is static. The site does not allow for E-filing, access to the Court's calendar, docket, schedule, documents, or records of cases, or for any case status. We were the last state in the union to put our published opinions online, and they are only online now due to the largesse of the Legislative Counsel Bureau, which maintains them for us on their Web site.

We have no imaged documents in the Supreme Court. I have no ability to electronically access briefs or pleadings filed by the parties. Because of inadequate storage space, we do not require the parties to file seven copies of every document. So, if I want to see a brief in a case, because of a question that I have, I need to order the briefs from the Clerk's Office. Aside from the stress this puts on the Clerk's Office to locate, pull, and deliver the material requested, by the time it gets to me, some time has passed, I may be on to the next case, and I've forgotten my question. In the daily use of our computers, we have no one readily available on staff to assist any of the Supreme Court's 84 staff members and justices in answering questions concerning the software we utilize, much less to provide needed training in the software we all use daily like Word, or could use if we knew how to use it. We have it; we just don't know how to use it, which is why I am not up here with PowerPoint. It is things like PowerPoint and Excel that we have not yet learned. I admit it.

We have no one but the Clerk and her hardware-technical staff with sufficient knowledge of our Case Management System to provide training to the judges on that system. And the Clerk and the hardware technicians are stretched far too thin in their duties to do other than answer questions when posed. We rely upon the AOC staff, which we share with the rest of the courts in the state, to assist when we experience glitches.

With respect to the Internet and E-filing, the public and the legal community have come to expect and demand electronic services and electronic access to the courts. And yet no member of the public can access our records here at the Court, nor as mentioned, our schedules, dockets, calendar, or cases.

With respect to the future of the courts in Nevada, I will convene two commissions this year. Neither one is going to be front-page news but will help the Court to operate with integrity in the future and will allow us to plan for the future needs of the courts.

First, I plan a commission to achieve consensus in the application of administrative assessments and in their collections. It is important to the integrity of the judicial system that people who are charged with infractions, no matter how minor, be treated fairly and uniformly by the various courts. Right now there are differences in when administrative fees will be assessed and collected. I believe that if the lower courts can agree upon and then buy into a uniform process, the entire system will benefit and we will learn much about the volatility of this source of revenue and perhaps enhance its stability to some degree.

The second commission is to study the funding of every court in this state. The legislative audit of the courts of Nevada pointed up the need for courts at all levels to have uniform collection practices. And yet, we know that all the courts of this state are not funded at the same level. Each municipal and justice and district court must seek its own funding from its city council or county commission. As a result, some courts are treated more generously than others and some are better equipped than others to respond to requests to change and enhance local practices. But until we know more about the financial health of each court in this state, we are not in a position to evaluate whether any possible changes are realistic to suggest to them. Also, because we anticipate that at some point there will be a discussion concerning whether Nevada should explore a unified court system, we must have this baseline data and some preliminary recommendations from the commission in order to intelligently evaluate the health of these courts and what position the courts might take.

It is one thing to talk about the Supreme Court of Nevada as the administrative head of all the courts; it is quite another for the Supreme Court to attempt to exercise close supervision of the lower courts when we have no say over and little knowledge of their financial health. For the courts to continue the great collegiality that has come to exist from working together, I believe we must respect the positions we might put the lower courts in if we tried to require them to do things they cannot afford to do. So, I hope this commission on court funding will benefit the courts and the Legislature in evaluating future proposals for changes in the court structure.

As I close, I want to tell you about the Justice of the Peace in Austin, Nevada. Judge Jim Anderson runs a small court in a small rural community. When a member of his community comes in to file a small claims action, Judge Anderson calls to action his courtesy letter program. Before accepting the case for filing, the judge offers to send a letter to the proposed defendants, from the court, letting that person know that the plaintiff might take action. Knowing that people who can settle their differences are often happier than those who go to court, and knowing that in a small town, resort to the court can lead to years of hard feelings and tension, this judge has taken it upon himself to give the parties a chance to work things out. Last year, out of 24 cases that might have been filed, only 11 actually needed to be filed. Now, true, this might not work in Las Vegas, but Judge Anderson's resourcefulness and concern for the well-being of his community exemplifies to me, and I hope to you, the spirit that is moving within the judiciary of this state, a desire to be the "something" that moves to make things happen.

The principle upon which all the attributes of a well-functioning judicial system rests is allegiance to the rule of law. Ours is a government and society of laws. Whether it be the Magna Carta, the Ten Commandments, or the Justinian Code, faithfulness to the rule of law creates order, predictability, and result; harmony provides for fairness and equal application justice so that we do not descend into lawlessness. In knowing the boundaries, we respect them and one another. We protect the rule of law. We honor it. The many judicial programs, projects, and innovations I've outlined for you today exist because judges want to ensure that the judicial system continues to operate as it should, so that the rule of law might exist in a healthy fashion.

What does it take for the system to work? It takes you. It takes me. It takes everyone, all of us, supporting the system, behaving reasonably, agreeing to the broad principles upon which the system is based, even if there is disagreement as to the details.

Socrates, 470-399 B.C., said: "Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially."

It is with pride that I represent to you, the lawmakers of Nevada, that the state of the judiciary here is good, sound, principled, and heading for the future. We look forward to a positive interaction with you through the days remaining in this legislative session.

I thank you.

Senator Neal moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Agosti for her timely, able, and constructive message.

Seconded by Assemblyman Parks.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Agosti to the Bar of the Assembly.

Senator Carlton moved that the Joint Session be dissolved.

Seconded by Assemblyman Hardy.

Motion carried.

Joint Session dissolved at 5:50 p.m.

ASSEMBLY IN SESSION

At 5:51 p.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 3 and Assembly Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Nelson, Miguel Acuna, Jean Wooley, and Brooke Wooley.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to and Jessica Ragan, Ryan Guariglia, Kody Young, Melissa Ragan, Ashley Maden, Alicia Echevarria, Ty Braginton, Codi Miller, Jessica Green, Ashley Angus, Jessell Owens, Allyson Raynor, Heather Boni, Amber Padilla, Molly Kinkalaar, Meg Gust, Jay Brissenden, Michael Forney, Laura Klegseth, Madison Gray, and Frank Stewart.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Fernando Serrano.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Andy Hettrick and Maddison Hettrick.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Herk Criswell.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Ronald Kline.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, February 27, 2003, at 11:00 a.m.
Motion carried.

Assembly adjourned at 5:51 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), February 27, 2003

Assembly called to order at 11:08 a.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor Monte Fast.

Today we honor two men who have created Nevada history, two who have rightfully earned honors with founders and pioneers, faithful, honest men who placed the good of the many above personal gain. Today we will hear of many accomplishments, but the integrity and character that falls as their shadow over this state reflects a deep faith in God, love of family, and placing of service above self. We thank You for Senator Lawrence Jacobsen and Speaker Joseph Dini.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 25, 51, 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 26, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 38; Senate Bills Nos. 54, 79, 103.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 28.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hettrick, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Koivisto,

Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 4—Honoring the longest-serving Legislators in the State of Nevada, Joseph E. Dini, Jr., and Lawrence E. Jacobsen.

WHEREAS, The two longest-serving members of the Nevada Legislature are former Assemblyman Joseph E. Dini, Jr., and former Senator Lawrence E. Jacobsen; and

WHEREAS, Assemblyman Dini is a native of Yerington, an alumnus of the University of Nevada, Reno, and a Nevada businessman; and

WHEREAS, Assemblyman Dini served for 36 years in the Nevada Legislature, beginning in 1966 when he was elected to the Nevada State Assembly; and

WHEREAS, Assemblyman Dini served in the Nevada State Assembly for a record 18 regular sessions and 5 special sessions and was recognized for his strong leadership abilities by election to Speaker of the Assembly in 1977, serving an unprecedented eight times in that capacity; and

WHEREAS, "Mr. Speaker," as Assemblyman Dini has been known affectionately by colleagues and staff alike, was recognized as an expert on numerous issues, including the management of Nevada's water resources; and

WHEREAS, Assemblyman Dini took the leadership role in many areas affecting the State of Nevada, from equity issues of revenues for education to safeguarding the clear waters of Lake Tahoe, in which he worked to develop a compact with California to control growth in the Lake Tahoe Basin; and

WHEREAS, "Mr. Speaker" has forwarded the international interests of the State of Nevada by developing cooperative relations with the Province of Taiwan of the Republic of China, and in April 2000, he was honored by the Ministry of Foreign Affairs of the Republic of China with the Friendship Medal of Diplomacy; and

WHEREAS, In 2001, Speaker Dini was bestowed the honorary title of Speaker Emeritus, a first for a Nevada Legislator; and

WHEREAS, Senator Lawrence E. Jacobsen is a native of Gardnerville, served his country throughout World War II and is a decorated survivor of the attack on Pearl Harbor; and

WHEREAS, Senator Jacobsen served for a remarkable 40 years in the Nevada Legislature, which included 20 regular legislative sessions and 8 special sessions, this being an all-time record for legislative service in the State of Nevada; and

WHEREAS, In 1963, Senator Jacobsen began his tenure in the Legislature with election to the Nevada State Assembly, and he remained in the Assembly for 16 years and was elected Speaker of the Assembly for the 1971 Session; and

WHEREAS, In 1979, Senator Jacobsen began serving in the Nevada State Senate and was President pro Tempore of the Senate for seven legislative sessions, setting a record for the longest service of any Senator in this capacity in Nevada history; and

WHEREAS, Senator Jacobsen was a member of the Legislative Commission for 26 years, 6 of those years serving as the Chairman of the Commission, as well as being a member of the Interim Finance Committee for 12 years; and

WHEREAS, Senator Jacobsen took a particular interest in the buildings, grounds and staff of the Legislature and the Legislative Counsel Bureau, being the main force behind moving the Legislature out of the crowded Capitol Building and into a new and completely separate Legislative Building; and

WHEREAS, Senator Jacobsen represented the Nevada Legislature for many years through his work on numerous committees of the National Conference of State Legislatures and the Council of State Governments; and

WHEREAS, Always a strong supporter of the military veterans of this state, Senator Jacobsen sponsored more legislation for the benefit of veterans than any legislator before him; and

WHEREAS, The long and distinguished careers of Assemblyman Joseph E. Dini, Jr., and Senator Lawrence E. Jacobsen will forever serve as models of public service for future members of the Nevada Legislature; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature pay special tribute to and express sincere gratitude to Assemblyman Joseph E. Dini, Jr., and Senator Lawrence E. Jacobsen in recognition of their long records of public service to Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to former Assemblyman Joseph E. Dini, Jr., and to former Senator Lawrence E. Jacobsen.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Marvel, Anderson, Goldwater, Chowning, Carpenter, Oceguera, Collins, Buckley, Gibbons, Grady, Gustavson, and Perkins.

Assemblyman Oceguera requested that the following remarks be entered in the Journal:

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker pro Tempore. It's an honor for me to speak to this Resolution. This is a rather unique Resolution, honoring two men at one time. I think that when you heard the Chief Clerk read the records of these two men, they are very much paralleled. It was appropriate to do this in this legislative setting. As the Resolution details, both of these men have had remarkable careers and many years of service in this building together, another reason to have them sitting here together. Both have been instrumental in moving this Legislature into the twenty-first century. We heard about the move to this building, we know that we also remodeled this building while these two gentlemen served and guided us. We've moved into the twenty-first century in regard to our computer systems—live Internet audio/video, computers on our own desks; a myriad of things that these gentleman, with their guidance, have steered us through to make this a better place and a more effective Legislature.

They have actually, if you think back upon it, moved us from a paper-based organization, in two rooms in the Capitol Building, to what you see here today—a modern, incredibly efficient, vibrant organization that serves the people of the state of Nevada. I think most importantly, however, is their leadership. The leadership of these two gentlemen is unparalleled in the history of the state of Nevada. I would tell you, I believe, probably in any state in this union as well.

The civility and the courtesy with which we operate in this legislative process is a reflection of these two men, as is the very tone and demeanor of our Legislature, which I'm very proud of. I think it is one of the most civil and courteous there is in the United States. I believe it is because of these two men. I think it is a reflection of their very actions and how they conduct themselves. Their fairness, their integrity, their humility, all will leave a permanent mark on Nevada and this Legislature. Senator Jacobsen and Speaker Emeritus Dini, I thank you for the Legislature and I thank you for Nevada. I'm proud to have served with you both.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker pro Tempore. I feel very honored today to be able to honor two of the finest gentlemen I think I have ever known in my legislative career, not only as legislators but also as friends. Joe and Jake, your presence already is being missed. The state of Nevada owes both of you a huge debt for what you've done for the betterment of the state of Nevada and making this a better state for all of us to live in. Just being a little facetious, now I know who is to blame for all the e-mail I don't like. It is so appropriate and so fitting to have you both here, joining me, because you have sacrificed a better part of both of your lives for your service to the state of Nevada. I thank you from the bottom of my heart for everything you have done for each and every one of us.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker pro Tempore. I agree with my colleague from Assembly District No. 39. Clearly the gentleman from District No. 32 has the longer experience dealing with these two gentlemen. The reality of the subtle humor, however, of Speaker Dini, is legendary. We've all looked forward to his telling stories of missteps by freshmen, or even senior legislators, in the legislative process; examples of what not to do. His and Senator Jacobsen's example in these Chambers are the type that all of us would hope to emulate. When you stand on the shoulders of giants, it's always nice to meet the giants. These are the giants that we stand with and on whose shoulders we've always relied. This Resolution can hardly illustrate the heartfelt feelings that I have for these two gentlemen, having served with both of them. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 4. I'm mindful of something. These resolutions aren't necessarily for the honorees. My guess, in all those years in public service, the great things that they have done will probably not be recognized by any resolution, but by a quiet feeling of satisfaction, like many of us feel when we do great things in this Legislature. These resolutions are for us. They are for us to note accomplishments of great men. They are for us and the people in the top of these galleries, to notice leadership and what qualities real leadership brings. I think these men exemplify two essential points of leadership. They both are leaving and have left this institution better than when they found it. They have left all of us, and all the people whose lives they touched, better than when they found us.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 4. I would like to thank these gentlemen for being teachers, for teaching us that we need to serve with honor, with character, and that our word needs to be our bond. I thank them for looking out, not only for their own districts, but teaching us to represent the entire state of this great state of Nevada.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of ACR 4. It is a real honor to be able to honor these two great gentlemen. I don't think there is any question that Joe Dini was the heart and soul of this Assembly. He was the steady hand that kept us on an even keel and enabled us to get things done. I always remember how good he was to me and especially how good he treated the rurals. He's a real "rural" guy who always helped us. What I remember most about Senator Jacobsen was that we had a hearing—I don't know where it was, I think it was in Fallon—and someone was testifying. They were against the military. Senator Jacobsen came out of his seat and said, "You better knock that off or I'll probably knock you off." He was such a great man and helped our rural areas. I really want to thank them both for helping my political career and me. Thank you.

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of ACR 4. Growing up in northern Nevada and the small town of Fallon, my family was involved in some small-town politics. Jake and the Speaker, meeting them was like meeting the President, when you would see them. If you came to Minden or Yerington, if you saw these two folks, it was like meeting the President. Of course, when I said growing up, I mean they were in the Legislature before I was born. Having the honor and privilege to be able to serve a session with them was something I can't really describe to you. I know that when I have children, I will be able to tell them when they look at their history books and read about the history of Nevada that I was honored and privileged to serve with these two gentlemen.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker pro Tempore. I feel very important and very privileged to stand up today to recognize these two men and thank them for the example they have set for us to follow. Whether it's Jake's farm tour or having Joe come over and say, "How is it going, Tom? Is your bill all right? Is your family doing good?" The love from these two gentlemen, expressed to everyone over the years in these Chambers, regardless of what part of the state or what party

they're from, is a testament to their love and caring for this state. I'm glad we're able to recognize that today. Thank you both very, very much.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of ACR 4. I thank both of our leaders for their presence, for their leadership, and for their accomplishments. I think that one of the things that is most remarkable about both of these legislators is their presence. They were both quiet and hardworking, but noticed everything. There really was not a line in the statute that they didn't know. I recall so many times Speaker Dini pulling me aside and saying, "I heard your question. Let me tell you that line came from the 1969 fight between . . . ." He would regale me with a story that brought our statutes to life.

I think it's an amazing feat to mark this length of service as we find both the joy it brings us to serve, but the challenges it brings us to serve. Their lengths of service is nothing short of remarkable. When you think of the number of leaders who have trained under these two men, whether they now occupy seats in the United States Congress or are here on these floors or are in local government, their legacy of hard work, of skill, is unparalleled and now, fortunately, can be replicated by others who followed after them. I also want to personally thank the Speaker for his role in my development. I think that if it weren't for the chances he gave me during my first session, I would not be the first female majority leader in the history of the state of Nevada. At every opportunity, he pulled me aside and he would say, "You know, I think about the south in every decision I make." That led me, early on, to recognize that I needed to consider every part of the state in every decision that I made, not just the district that I represented. These gentlemen have trained so many. I feel bad for our freshmen because you could have learned under no better master. I hope that we, the ones who served under them, will remember those lessons, demonstrate their traits, their leadership ability, and be able to preserve their legacy in the halls of this Chamber.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker pro Tempore. I'm very pleased to rise in support of Speaker Dini and Senator Jacobsen. I am pleased that I had the opportunity to serve with you. I learned so many important lessons from both of you. I remember, on my first term and my second, the Speaker Emeritus sat right behind me and sometimes he was pretty hard on me, but I learned a lot from that. One thing that was so important to me, one day I was sitting talking to him and asked, "Why are you here? Do you really enjoy the process? You could be doing anything you wanted. You're successful. You've accomplished so much." He told me the reason he was here was to help other people, like me, who were serving. I think that is what was so great about Speaker Dini's leadership. He really cared about us. I don't think he ever considered our party labels when he was down here doing the public's work. I'm thankful for that.

I hope that part of what Senator Jacobsen and Speaker Dini did for us is to help us realize that it doesn't matter what side of the aisle you come from, it matters that you served the people of this state proudly and honestly. Others who can follow behind you–guide them and help them along the way. I think that is the legacy they left for us, to sponsor other people who are coming in. We have a lot of new freshmen. Take others under your wing like they did with us and support them in their efforts and work together. I think it is great that we are honoring a Republican and Democrat at the same time. I'm just thrilled.

ASSEMBLYMAN GRADY:

Thank you, Mr. Speaker pro Tempore. In addressing a comment that my colleague from District 8 mentioned, that it was too bad that the freshmen could not have worked under the leadership of these two great gentlemen, I would say I have had the privilege, though I am a freshman, of having the guidance of both Mr. Dini and Mr. Jacobsen. Joe helped me so much when I was mayor in Yerington. He has helped me along in my career.

I don't know, Joe, if you realize it, but in the gallery today there are 100 students from Yerington High School. It is very fitting that they are here today with their two chaperones, Michelle Davis and Frances Degiacomo. They are here to witness the honor for both you and Jake today. My congratulations to you. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN GUSTAVSON:

Thank you, Mr. Speaker pro Tempore. I also rise in support of ACR 4. It has been an honor to serve in the past three terms with these two great gentlemen. They will be very difficult to replace with their honesty, integrity, and character. These men have been around for a long time and have served for many years, maintaining these characteristics. It is an honor to have served with them, and it will be difficult to replace them as leaders, in this Body and in the Senate. I want to thank you, Senator Jacobsen and Speaker Dini, for the great service that you did for the state of Nevada. You have not been biased and you looked and talked to us, not with party lines in mind, but as individuals and people representing different parts of the state. You served the entire state, not just your own districts. Thank you.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker pro Tempore. First I would like to thank the Minority Leader for introducing the Resolution. It refocuses us on something that is very important to this institution and provides us with the opportunity to honor these two men. I want to apologize to Senator Jacobsen as my remarks may be somewhat weighted toward Speaker Dini because I have had a closer working relationship with him. We have eight living former Speakers in our state, and three of them are sitting here, including the Minority Leader. It is an extraordinary thing, to think there is that kind of a concentration, in one spot, at one time, sitting here, so that we can speak to them. They share 76 years in combined service. If you look at this in months, for our 16 freshmen that is a year and two months worth of service. They have a long way to go to catch up to those 76 years.

One of the things that I remember the most about Senator Jacobsen was, in the interim or otherwise, if he was on the committee, whether he was busy or not, he was there to speak to that committee, to offer suggestions, constantly providing guidance through his 40 years of experience in service.

One thing I am going to miss greatly is the best opening for a speech I could ever have, speaking of these two men. I would talk about how Joe Dini was first elected in 1966 and I was in the first grade. Lawrence Jacobsen was first elected in 1962. You do the math. It was an easy opening and it brought the audience to understand the kind of experience and the kind of real talent we have in this legislative process. As I look around this house, I think that about a third of the people were born after Senator Jacobsen started his legislative service. That should provide some sense of the magnitude of how long he has provided service to our state.

When I was thinking about the Resolution and particularly about Joe, a number of words came to mind: integrity, straight shooter, statesman, the master, a class act, humble, and Papa Joe. These are words that I didn't create, rather words of others that I have borrowed a number of times over the past few years. He epitomizes those qualities in a legislator. I will take one issue with the Resolution. When the Resolution talks about Joe being a native of Yerington, I think it was Pizen Switch.

As long as I have spent time with Joe and his tutelage, I truly believe he has forgotten more than I know. He keeps coming up with that piece of advice that makes perfect sense. He has all that catalogued in his mind. I harken back to 1995 when we had a historically, evenly split 21/21 house, 21 Democrats, and 21 Republicans. As the state's leading political pundit he plucked this obscure cop from Henderson to be his Floor leader. Joe, I will be forever grateful. It has proven to be an opportunity of a lifetime. He has been a teacher, a mentor, and a friend to so many in this House, whether a legislator, a staff member, or a lobbyist. One of the things that he instilled in me, and others, was a respect for this institution. This institution is bigger than any one of us, or any of us collectively. It will live on long after we leave. The respect for this institution, the peoples' House, is very important.

As I traveled and visited the associations that we are all affiliated with, I was surprised, constantly, to find that very few people knew Joe Dini's political affiliation. They couldn't tell you whether or not he was a Democrat or a Republican. They knew he was a Nevadan, but they couldn't tell you what his political affiliation was. There is not a single area of public policy in this state that doesn't have his fingerprint. You heard the Majority Leader say, "back in 1969," and I can't tell you how many stories we have heard that way. He has some influence, whether in education, prisons, public safety, our health departments, wildlife conservation, his legendary

efforts for the rural communities, and his expertise in western water, which was nationally known throughout this country.

On a personal note, Joe has been a second father to me, in more ways than I can tell you. He steered me right, taught me, protected me, and been a role model for me. A year ago, in October, I lost my father, and one of the first calls I got was from Joe. He was there for me then and continues to help fill that void in my life. Any of my failures in public life will be mine, but any of my successes in public life can be shared with Joe, because he is the guy who prepared me and got me in a position that I might even have a public success. Joe, we already miss you in this House. Nevada is a better place because of your efforts and because of your love of the greatest state in the greatest country in the world. Nevada thanks you, this House thanks you, and I thank you. To me, you will always be known as Mr. Speaker. Thank you, Mr. Speaker pro Tempore.

Resolution adopted unanimously.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 4 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that NEVADA APPEAL: Bob Thomas, be accepted as an accredited press representative, that he be assigned space at the press table in the Assembly Chambers and that he be allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Pierce, Manendo, Giunchigliani, Chowning, Leslie, Arberry, Atkinson, Buckley, Claborn, Conklin, Goldwater, Hardy, Horne, Koivisto, Mabey, McClain, McCleary, Oceguera, Ohrenschall, Parks, Sherer, and Weber:

Assembly Bill No. 206—AN ACT relating to industrial insurance; authorizing the repayment of compensation received in a lump sum for a permanent partial disability in a single payment under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Pierce, Chowning, Anderson, Ohrenschall, Andonov, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Collins, Conklin, Goicoechea, Griffin, Horne, Koivisto, Manendo, Oceguera, Parks, Perkins, Sherer, and Weber; Senators Carlton, Titus, Wiener, Amodei, Care, Hardy, Mathews, McGinness, Nolan, Schneider, Shaffer, and Townsend:

Assembly Bill No. 207—AN ACT relating to motor vehicles; providing for the issuance of special license plates for the support of naturalized citizenship; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goicoechea, Knecht, Andonov, Atkinson, Beers, Carpenter, Claborn, Collins, Conklin, Geddes, Grady, Hardy, Hettrick, Koivisto, Mabey, Manendo, McClain, McCleary, and Sherer:

Assembly Bill No. 208—AN ACT relating to taxation; authorizing the board of county commissioners of certain counties to impose a sales and use tax to support the operation and maintenance of a county swimming pool; authorizing the imposition of the tax in White Pine County without further approval of the voters; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Griffin, Claborn, Gibbons, Knecht, Christensen, Andonov, Angle, Atkinson, Beers, Brown, Carpenter, Collins, Conklin, Geddes, Goicoechea, Goldwater, Grady, Gustavson, Hardy, Hettrick, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Oceguera, Parks, Perkins, Pierce, Sherer, and Weber:

Assembly Bill No. 209—AN ACT relating to parole; requiring a prisoner to submit to a test to detect the presence of controlled substance in the system of the prisoner before a hearing is held to consider granting parole to the prisoner; requiring the State Board of Parole Commissioners to deny parole to the prisoner if the test detects the presence of a controlled substance in his system under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Griffin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Koivisto, McCleary, Carpenter, Claborn, Collins, Goicoechea, Manendo, McClain, Parks, Pierce, Sherer, and Williams:

Assembly Bill No. 210—AN ACT relating to water; removing the prospective expiration of certain provisions establishing the circumstances under which certain temporary permits for the appropriation of ground water

may be revoked; removing the prospective expiration of certain provisions restricting the authority of the State Engineer to limit the depth or prohibit the repair of certain wells; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 12:14 p.m.

ASSEMBLY IN SESSION

At 12:16 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

By Assemblywoman Giunchigliani:

Assembly Bill No. 211—AN ACT relating to county government; authorizing a county manager, with the approval of the board of county commissioners, to promote, participate in the operation of, and create or cause to be created a nonprofit corporation for certain purposes; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 212—AN ACT relating to manufactured housing; revising certain fees related to licensing certain persons for activities relating to manufactured housing; revising various provisions governing a petition for, the permissible amount of, entitlement to and the procedures for recovery from the Account for Education and Recovery Relating to Manufactured Housing; authorizing certain appeals of orders directing payment from the Account; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 28.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 54.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 79.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 103.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 150.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assemblyman Oceguera moved that Assembly Bills Nos. 6, 27, 33, 113, 129, and Senate Bill No. 11 be taken from the General File and placed on the General File for the next legislative day.

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

Assembly in recess at 12:21 p.m.

ASSEMBLY IN SESSION

At 12:22 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Assemblyman Oceguera withdrew the motion whereby Assembly Bills Nos. 6, 27, 33, 113, 129, and Senate Bill No. 11 were taken from the General File and placed on the General File for the next legislative day.

GENERAL FILE AND THIRD READING

Assembly Bill No. 6.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 6:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 6 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 27.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 27:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 27 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 33.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 33:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 33 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 33 was this day passed.

GENERAL FILE AND THIRD READING

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblyman Knecht.

Roll call on Assembly Bill No. 113:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 129.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 129:

YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.

Assembly Bill No. 129 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 11.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 11:

YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.

Senate Bill No. 11 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson withdrew his notice to reconsider the vote whereby Assembly Bill No. 33 was this day passed.

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

Assembly in recess at 12:36 p.m.

ASSEMBLY IN SESSION

At 12:37 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Kyla Tudor.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Wolf.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to George Dini, Aiden Kendrick, and Carol Loomis.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Michael J. Franzoia.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Vernon Miller, Amanda Bliablias, Jordan Cook, Eric Andrade, Emily Frakes,

Michelle Frankfurt, April Gagnon, James Gracia, Atlanta Hartsfield, Desirae Howard, Christina Howe, Timothy Jetter, Mark Johnson, Angelica LaCroix, Jennie Lindquist, Justin McAlister, Lena Migala, Ololade Ogundimu, Mary Jane Peterson, John Rast, Sarah Reiter, Jessika Rodriquez, Monique Romero, Laura Scull, Chris Sumrall, Windy Swanson, Brianna Thompson, Kevin Habegger, Savanna Richards, Nicole Velez, Shirley Dees, Marlana Jenkins, and Barry Chilton.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Don Stoker, Joyce Scheen, and Patty Herzog.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Jay Dini, Frances Degiacomo, Shari Tibbals, Michelle Davis, Misty Baker, Jeffery Bednark, Jason Booth, Andreas Christiansen, Joseph Halstead, Linda Hogan, Zachary Howell, Miranda Kenosky, Avery Lopez, Jr., Rachel Loucks, Audri Manly, Lawrence Masini, Brian Murillo, Janell Neade, Jeremy Nielson, Heimy Olivera, Russell Paine, Jasper Remaley, Katie Ross, Pamela Sinclair, David Smith, Michael Soukup, Jeffrey Spurlock, Jr., Brandy Tate, Wesley Thomas, Matthew Torn, Charity Triplett, Veronica Veil, Linda Venegas, Melinda Young, Kevin Abilla, Rosio Areliano, Joshua Blevins, Silvia Bonacchini, Rebecca Christian, Colleen Cochran, Dale Conway, Rose Costa, Granville Cutright, Angel Fushee, Cynthia Jackson, Cui Lopez, Daniel Bradshaw, Winter Carrera, Michael Dixon, Michael Drennan, Travis Edmunds, Joshua Farier, Matthew Calvin, Joshua Halterman, Mathew Heimerman, Christina Kerwin, David Malarchik, Lindsey McCabe, Kevin McCarty, Shawn McCarty, Michael McFall-Sanders, Benjamin Menesini, Crystal Morrison, Stephan Moseley, Dean Oliver, Cort Page, Haley Page, Shelly Park, Raul Ramirez, Nancy Sandoval, Randy Shumate, Brian Smith, Will Svetic, Daylene Tibbals, Karla Valladares, Hillary Vaughn, Nicholas White, Sarah Williamson, Faviola Morales, Maria Orduna, Alan Roberts, Brian Saunders, Joshua Savage, Jennifer Smith, Hecto Solorio, John Stack, Christopher Wubbenhorst, and David Stix.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Lynette Boggs McDonald.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Fisher, Betty Jacobsen, and Celeste Gunther.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph E. Dini, Jr., Lawrence Jacobsen, Laverne Marwin, Tiffany Tudor, and Jeanne Mouryne Dini.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Dini and Josh Dini.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Meierhoff, Eryn Meierhoff, and D.J. Meierhoff.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Vesco, Steve West, Lisa Menath, Mike Menath, Mouryne Dini, Paul Seaman, and Cheryl Seaman.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Verna McCleary, Jacob McCleary, and Andrea McCleary.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Stan Wallis, Doug McMurdo, Shelia McMurdo, and Shane McMurdo.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, February 28, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:38 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-SIXTH DAY

CARSON CITY (Friday), February 28, 2003

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Ohrenschall and Pierce, who were excused.

Prayer by the Chaplain, Pastor Monte Fast.

A young Marine's prayer from the Gulf: "Yesterday, Thanksgiving, I had a thought. Maybe it sounds silly, but here goes. I was watching the sunset. It sets about 5:30, and I realized that's about 6:30 a.m. on the West Coast. That's sunrise for you. So I'm watching the sun set at the same time you see it rising. It's amazing that we can watch the same thing together from such a distance. It's like God has given me a way to say good morning to you every day." From Sgt. James L. Fast, USMC. Dated November 23, 1990.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 94, 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 27, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 10, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 73.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Mortenson, Christensen, Koivisto, Gibbons, Anderson, Angle, Arberry, Beers, Buckley, Chowning, Claborn, Collins, Conklin, Giunchigliani, Goicoechea, Griffin, Gustavson, Hardy, Hettrick, Knecht, Manendo, McClain, McCleary, Oceguera, Parks, Pierce, Sherer, and Weber:

Assembly Bill No. 213—AN ACT relating to water; removing the prospective expiration of certain provisions establishing the circumstances under which certain temporary permits for the appropriation of ground water may be revoked; removing the prospective expiration of certain provisions restricting the authority of the State Engineer to limit the depth or prohibit the repair of certain wells; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Mortenson, Chowning, Brown, Christensen, Claborn, Hettrick, Leslie, McCleary, Oceguera, and Pierce:

Assembly Bill No. 214—AN ACT relating to government publications; requiring the State Library and Archives Administrator to establish standards for state and local government publications issued in electronic form; requiring state and local governments that issue a publication in electronic form to transmit a copy of the publication to the State Publications Distribution Center within the State Library and Archives; requiring the Center to make such publications available for access on the Internet; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hettrick, Knecht, Grady, Hardy, Marvel, and Sherer; Senators McGinness and Townsend:

Assembly Bill No. 215—AN ACT relating to conservation districts; authorizing conservation districts to acquire real or personal property under certain circumstances; excepting certain taxable real property acquired by a conservation district from the exemption of certain property from taxation; requiring a conservation district that acquires real property to make payments in lieu of taxes; providing for the collection and disposition of such payments in lieu of taxes; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 216—AN ACT relating to state financial administration; revising the manner in which certain claims against this state are audited; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 217—AN ACT relating to State Government; authorizing state offices to establish an alternative schedule of operation; transferring the power or duty to adopt certain regulations from the Department of Personnel and the Director of the Department to the Personnel Commission; authorizing an employee to offset an overpayment of salary with annual leave; allowing the State Board of Examiners to delegate to its Clerk the authority to designate certain overpayments of salary as bad debts; repealing a duplicative provision regarding certain reports by appointing authorities; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 218—AN ACT relating to education; revising provisions governing the plan required of each public school for the progressive discipline and on-site review of disciplinary decisions regarding pupils; providing that the salary of a principal may be withheld under certain circumstances if the principal does not comply with provisions governing the establishment, review and implementation of a plan; specifying the terms of certain members on a committee to review the temporary alternative placement of pupils; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Sherer, Angle, Carpenter, Christensen, Collins, Conklin, Geddes, Goicoechea, Griffin, Gustavson, Hettrick, Knecht, Koivisto, and Oceguera; Senator McGinness (by request):

Assembly Bill No. 219—AN ACT relating to the economic development of rural communities; requiring the Department of Administration to conduct a study concerning the feasibility and desirability of relocating certain state agencies to rural communities; requiring the Department to recommend the

relocation of at least one such agency; and providing other matters properly relating thereto.

Assemblyman Sherer moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 220—AN ACT relating to contractors; providing for the confidentiality of certain information obtained or received by the State Contractors' Board; authorizing the Board to require a criminal investigator employed by the Board to conduct a background investigation of an applicant for employment with the Board; authorizing a district court in a proceeding for a judicial review of a final decision of the Board to dismiss an agency or person from the proceeding under certain circumstances; expanding the circumstances under which a criminal investigator employed by the Board may exercise the powers of a peace officer; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Chowning, Buckley, Collins, Gibbons, McCleary, Anderson, Andonov, Angle, Arberry, Christensen, Claborn, Conklin, Giunchigliani, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Horne, Knecht, Koivisto, Manendo, McClain, Mortenson, Oceguera, Parks, Perkins, Pierce, Sherer, Weber, and Williams:

Assembly Bill No. 221—AN ACT relating to motor vehicles; requiring the consignee of a vehicle to assist the consignor in completing a financing statement to create a purchase-money security interest of the consignor in the vehicle; requiring the consignee to file the financing statement with the Secretary of State; requiring the consignee to display a particular sign; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Giunchigliani, Manendo, Anderson, Parks, Conklin, Arberry, Atkinson, Buckley, Chowning, Claborn, Collins, Gibbons, Goicoechea, Griffin, Horne, Leslie, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, and Williams:

Assembly Bill No. 222—AN ACT relating to the Public Employees' Benefits Program; requiring the Board of the Program to ensure that rates established for coverage are the same for all persons who participate in the Program for that coverage; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 73.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Assembly Bill No. 25 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 51.

Bill read second time and ordered to third reading.

Assembly Bill No. 93.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Assembly Bill No. 111 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 19 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 150 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Martin.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Devore and Lee Devore.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Biven.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Jane Ham.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Rich Strickland.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Cory.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Cory and Betty Rumford.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Sheen.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Shane McMurdo.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Ulli Miyashiro.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 3, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:31 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-NINTH DAY

CARSON CITY (Monday), March 3, 2003

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor Peggy Locke.

O God, Most High, we welcome Your presence in this Assembly today. May the words of our mouth and the meditations of our heart be acceptable in Your sight—our strength and our Redeemer. Blessed is the man who walks not in the counsel of the ungodly, nor stands in the path of sinners, nor sits in the seat of the scornful; but his delight is in the law of the Lord, and in His law he meditates day and night. He shall be like a tree planted by the rivers of water, that brings forth its fruit in its season, whose leaf also shall not wither; and whatever he does shall prosper.

May those gathered together here today, who represent the people of this wonderful state of Nevada, have Your hand of grace upon them, that You might prosper and give wisdom to each one here as discussions and decision making is done. We pray for all those in authority over us, and we continue to pray blessing for our military troops serving our country. God bless America.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 42, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 73, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall,

Parks, Perkins, Pierce, Sherer, Weber and Williams; Senators Titus, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 5—Recognizing March 3, 2003, as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday.

WHEREAS, Theodor Seuss Geisel was born on March 2, 1904, in Springfield, Massachusetts; and

WHEREAS, Theodor Seuss Geisel graduated from Dartmouth College in 1925 and began writing humorous articles and creating cartoons for various magazines; and

WHEREAS, His first children's book, *And to Think That I Saw It on Mulberry Street,* was rejected by 43 publishers until, in 1937, a friend published the book for him; and

WHEREAS, In May of 1954, *Life* magazine published a report concerning illiteracy among school children, stating that, among other things, children were having trouble learning to read because the books were boring; and

WHEREAS, This comment inspired Theodor Seuss Geisel's publisher, Bennett Cerf, to compile a list of 400 words that he felt were important, asking Mr. Geisel to cut the list to 250 words, the amount of words a first grader could absorb, and using only those words to write a book that would excite children; and

WHEREAS, Nine months later, Mr. Geisel, using 220 of the words given to him, published *The Cat in the Hat,* which became an instant success; and

WHEREAS, Later in 1960, Bennett Cerf bet Mr. Geisel $50 that he couldn't write an entire book using only 50 words and from that challenge came the famous children's book, *Green Eggs and Ham*, which also became an instant success; and

WHEREAS, From that point on, Theodor Seuss Geisel became known as "Dr. Seuss," and children became enthused about reading every Dr. Seuss book available; and

WHEREAS, Dr. Seuss died on September 24, 1991, but his legacy of children's books will live forever as an inspiration to children everywhere to learn to read and to share in the laughter, enjoyment and knowledge that a book can provide; and

WHEREAS, In honor of Dr. Seuss and the joy of reading, the National Education Association has designated March 3, 2003, as "Read Across America" day and has called upon every child to read with a caring adult on this day 99 years after the birth of Theodor Seuss Geisel; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 3, 2003, is hereby recognized as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday; and be it further

RESOLVED, That children and adults are encouraged to read a favorite book together on this date to share the joy of reading; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Terry Hickman, President of the Nevada State Education Association, and Kenneth Lange, Executive Director of the Nevada State Education Association.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 5 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Atkinson, Chowning, Pierce, Parks, Christensen, Anderson, Andonov, Angle, Arberry, Buckley, Carpenter, Claborn, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Oceguera, Perkins, Sherer, and Williams:

Assembly Bill No. 223—AN ACT relating to motor vehicles; requiring certain vehicle dealers to provide copies of certain documents translated into Spanish for viewing by a purchaser or prospective purchaser of a motor vehicle under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 224—AN ACT relating to the Department of Cultural Affairs; revising provisions relating to the duties, governance and structure of the Nevada Arts Council; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 225—AN ACT relating to programs for public employees; providing that the Public Employees' Deferred Compensation Program approved by the committee to administer the Program may consist of any plan authorized by federal law to reduce taxable income or other forms of compensation; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 94.

Bill read second time and ordered to third reading.

Assembly Bill No. 101.

Bill read second time and ordered to third reading.

Assembly Bill No. 127.

Bill read second time and ordered to third reading.

Assembly Bill No. 137.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 51.
Bill read third time.
Remarks by Assemblywoman Koivisto.
Roll call on Assembly Bill No. 51:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 93.
Bill read third time.
Remarks by Assemblymen Gustavson, Gibbons, Buckley, Anderson, Knecht, Mortenson, and Beers.
Roll call on Assembly Bill No. 93:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 150.
Bill read third time.
Remarks by Assemblywoman Buckley.
Roll call on Assembly Bill No. 150:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Worney.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Jennie Dickerson.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Ingenluyff.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Warwick.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Jerica Miller.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to L'Shauna Ross-Gobrick.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Nicole Wyckoff.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mariah Seitzinger.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Jamilee Lords.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Darbie Adams, Janet Nold, Angelina Avitia, Meagan Carter, Kristin Charles, Amanda Senn, Megan Mecca, Heather Preece, Cristina Martinez, Jennifer Giraudo, Paula Adams, Amanda Plocher, Erika Coleman, Veronica Rich, Kimberly Gale, Janica Keenan, Samantha Sweeney, Samantha Segal, Kristen Waldeck, Laura Rainford, America Acevedo, Mary Boni, Carla Brookey, Alicia Brown, Haley Cain Carpenter, Alisha Casey, Alli Cernoch, Christi Chabot, Felicia Chabot, Robyn Charles, Heather Combs, Samantha Daniels, Kristin Duncan, Broghan Ellis, Paige Elrod, Emmanuel Garcia, Lauren Hansen, Sandy Hauserman, Adrienne Hill, Jan Houk, Marissa Houk, Esther Isacc, Terri Izatt, Caitlyn King, Faith Lorenz, Samantha Mackowiak, Rachel McDermot, Cassandra Much, Mercedes Much, Kathi Nelson, Samantha Pedersen, Allyson Raynor, Stefani Rossman, Kristina Sewell, Ashley Shurtliff, Rebecca Tachihara, Stacey Warr, and Megan Yepez.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsay House and Myrna Williams.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Stotts.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, March 4, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:47 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 4, 2003

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, May we take a moment this morning to reflect upon Your goodness and blessings in our lives. May we never take You or what flows from Your hand for granted. As Your word says in the book of Psalms: "We give thanks to You, O God, we give thanks! For Your wondrous works declare that Your name is near." So we do give You thanks and ask for Your grace and wisdom, to guide in the discussions and decisions made in this Body. Bless each of this Assembly, their families, and staff. We pray also for safety and effectiveness for all who serve this nation in the military. In the Name of the Most High God I pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 82, 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

TOM COLLINS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Collins moved that Assembly Bill No. 4 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 3, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 5.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Buckley, Giunchigliani, Parks, Goldwater, Conklin, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Chowning, Christensen, Claborn, Collins, Geddes, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Perkins, Pierce, Sherer, Weber, and Williams:

Assembly Joint Resolution No. 3—Urging the Congress of the United States to amend the Social Security Act by repealing certain provisions that require reductions in the amount of social security benefits paid to persons who also receive certain federal, state or local government pensions.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Oceguera, Gibbons, Chowning, Claborn, Andonov, Arberry, Atkinson, Beers, Brown, Carpenter, Christensen, Conklin, Geddes, Goicoechea, Griffin, Hardy, Hettrick, Horne, Koivisto, Mabey, Manendo, McClain, Mortenson, Parks, Pierce, and Sherer:

Assembly Bill No. 226—AN ACT relating to safety belts; requiring drivers and certain passengers of taxicabs and limousines to wear safety belts; prohibiting certain younger passengers from riding in the front seat of a taxicab or limousine; requiring signs within taxicabs and limousines informing passengers of the requirement to wear safety belts; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 227—AN ACT relating to schools; requiring boards of trustees of school districts to pay increased salaries to certain school psychologists who hold national certification recognized by the Commission on Professional Standards in Education; requiring related information to be included in the annual budget report of each school district; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 228—AN ACT relating to health care; requiring certain major hospitals that are designated as centers for the treatment of trauma to reduce or discount the total billed charge to an inpatient who has insurance that does not have an agreement with the major hospital for the reduction or discount of the total billed charge but does provide coverage to the inpatient for a portion of the total billed charge; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goicoechea, Sherer, Carpenter, Christensen, Collins, Conklin, Geddes, Grady, Griffin, Hardy, McCleary, and Weber:

Assembly Bill No. 229—AN ACT relating to water; increasing the amount of the tax that a county of origin may impose on certain transfers of water; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

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

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Goicoechea withdrew the motion that Assembly Bill No. 229 be referred to the Committee on Natural Resources, Agriculture, and Mining.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 230—AN ACT relating to mobile home parks; requiring certain membership on the board of directors of parks operated by nonprofit organizations; removing the requirement that certain parks provide individual meters for the water service provided to tenants; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 231—AN ACT relating to podiatry; authorizing the State Board of Podiatry to issue a limited license to practice podiatry to certain persons who have practiced podiatry in another state or the District of Columbia under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Conklin, Atkinson, Horne, Perkins, Buckley, Anderson, Andonov, Angle, Arberry, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Collins, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Parks, Pierce, Sherer, Weber and Williams; Senators Titus, Amodei, Rawson, Neal, Carlton, and Hardy:

Assembly Bill No. 232—AN ACT relating to telephone solicitation; requiring the establishment of a registry of certain telephone numbers; requiring the publication of a list of certain telephone numbers, prohibiting a telephone solicitor from making an unsolicited telephone call for the sale of goods or services to a telephone number included in the currently effective version of the list; providing that the making of an unsolicited telephone call for the sale of goods and services is a deceptive trade practice under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 17.

Amend section 1, page 1, by deleting lines 5, 6 and 7 and inserting: "*within the applicable period of limitations is dismissed because the court*

lacked jurisdiction over the subject matter of the action, the action may be recommenced in the court having jurisdiction within:".

Amend section 1, page 1, line 9 by deleting "*Six months*" and inserting "*Ninety days*".

Amend section 1, page 1, line 13, after "*3.*" by inserting: "*An action may not be recommenced pursuant to paragraph (b) of subsection 1 more than 5 years after the date on which the original action was commenced.*

4.".

Amend the title of the bill by deleting the third line and inserting: "dismissed because the court lacked jurisdiction over the subject matter of the action under certain circumstances; and".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 42.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 18.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 484.3665 is hereby amended to read as follows:

484.3665 1. Each permanent sign which designates a school zone or school crossing zone and the speed limit in that zone must be uniform in size and color and must clearly designate the hours during which the speed limit applies.

2. Each portable sign designating a school zone or school crossing zone and the speed limit in the zone must be uniform in size and color. A portable sign may be placed *on or* beside a roadway only during those hours when pupils are arriving at and leaving regularly scheduled school sessions.".

Amend the title of the bill, fifth line, after "persons;" by inserting: "authorizing portable signs designating a school zone to be placed on a roadway during certain hours;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

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

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 73.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 16.

Amend the bill as a whole by deleting sections 2 through 5 and renumbering sec. 6 as sec. 2.

Amend sec. 6, page 8, line 25, by deleting: "~~[65]~~ *60* years of age or older" and inserting: "~~[65 years of age or]~~ *an* older *person*".

Amend sec. 6, page 8, by deleting line 33 and inserting:

"(a) ~~[Sixty-five years of age or older;]~~ *An older person;* or".

Amend sec. 6, page 8, by deleting line 37 and inserting:

"4. As used in this section ~~[, "mentally]~~ *:*

(a) "Mentally disabled person" means a".

Amend sec. 6, page 8, line 42, by deleting "(a)" and inserting "~~[(a)]~~ *(1)*".

Amend sec. 6, page 8, line 43, by deleting "(b)" and inserting "~~[(b)]~~ *(2)*".

Amend sec. 6, page 8, line 44, by deleting "(c)" and inserting "~~[(c)]~~ *(3)*".

Amend sec. 6, page 9, line 1, by deleting "(d)" and inserting "~~[(d)]~~ *(4)*".

Amend sec. 6, page 9, between lines 3 and 4 by inserting:

"*(b) "Older person" means a person who is:*

(1) Sixty-five years of age or older if the crime was committed before October 1, 2003.

(2) Sixty years of age or older if the crime was committed on or after October 1, 2003.".

Amend the bill as a whole by renumbering sections 7 and 8 as sections 3 and 4.

Amend the title of the bill to read as follows:

"AN ACT relating to crimes; reducing the age of a victim that is used as the threshold for determining the applicability of certain crimes against older persons; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 73 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 94:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 101.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 101:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 127.

Bill read third time.

Remarks by Assemblymen Beers, Angle, and Giunchigliani.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 127:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 137.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Assembly Bill No. 137:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 233—AN ACT relating to elections; authorizing a governing body of a city incorporated pursuant to general law to adopt an ordinance requiring that primary city elections and general city elections be held on the same dates as those established for statewide primary elections and general elections; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Manendo, Williams, Koivisto, Chowning, Parks, Anderson, Angle, Arberry, Atkinson, Buckley, Claborn, Collins, Conklin, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Hardy, Horne, Knecht, Leslie, McClain, McCleary, Mortenson, Oceguera, Perkins, Pierce, and Weber:

Assembly Bill No. 234—AN ACT relating to education; authorizing drivers of school buses to remove the privilege of disruptive pupils to ride a school bus; requiring boards of trustees of school districts to establish certain committees to review the removal of the privilege of a pupil to ride a school bus; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 235—AN ACT relating to elections; providing a Voters' Bill of Rights; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Buckley, Perkins, Goldwater, Koivisto, Gibbons, Angle, Arberry, Atkinson, Beers, Carpenter, Chowning, Claborn, Collins, Geddes, Giunchigliani, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Knecht, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Pierce, and Weber:

Assembly Bill No. 236—AN ACT relating to the Office for Consumer Health Assistance; requiring the Office to assist consumers in gaining information regarding certain prescription drug programs; authorizing the Office to accept gifts, grants and donations to support this service; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 38; Assembly Concurrent Resolution No. 4; Senate Bill No. 11.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Vargas.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Maxim.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Devolld.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Hum and Alani Folau.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Suzan Rios and Catherine Serrano.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Gurries.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Bateson.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Glogovac, Brandon Cassinelli, Jennifer Cheek, Diane Johnson, Keith Jones, Jasmine McIntosh, Cassie Montgomery, Karla Orrell, Stevee Porter, Matt Wigand, and Hannah Mensing.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Lightfoot and Chase Correia.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Jane Gilbert.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Nichole Spencer.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson and Danny St. John.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Moreno.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Lea.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Rapisora.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Sattler.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Fulkerson and Tamsen Douglas.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Derrick Hodson.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Collin Brown.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Schmitt and Jennifer James.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Candice Noel.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Anasasha DeLeon.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Fuller.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Kandra Christiansen, Dana Schmid, and Sallie Schmid.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Workman and Glenn Dawson.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, March 5, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:52 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), March 5, 2003

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll call.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor Peggy Locke.

Grace and peace to you. We pray, Lord God of heaven, O great and awesome God, You who keep Your covenant and mercy with those who love You and observe Your commandments, You who shows no partiality nor takes a bribe, You are a God of justice. Please let Your ear be attentive and Your eyes open, that You may hear the prayer of Your servants which we pray before You now. He has shown you, O man, what is good; and what does the Lord require of you, but to do justly, to love mercy, and to walk humbly with your God.

Bless those who are assembled here today, give clarity of thought, divine wisdom and understanding hearts. Bless and protect their families and loved ones. Let nothing be done through selfish ambition or conceit, but in lowliness of mind let each of us esteem others better than himself. Let each of us look out not only for our own interests, but also for the interests of others. We continue to pray for those in authority over us, for our military troops, and for peace. May all that we do bring glory to You. God bless America.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 4, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 37, 83, 84, 162.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 65.

MARY JO MONGELLI
Assistant Secretary of the Senate

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

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:13 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Geddes, Conklin, Knecht, Gibbons, Leslie, Anderson, Andonov, Arberry, Atkinson, Brown, Buckley, Carpenter, Christensen, Collins, Giunchigliani, Goicoechea, Grady, Griffin, Hardy, Hettrick, Horne, Koivisto, Mabey, Manendo, Marvel, Mortenson, Oceguera, Parks, Perkins, Pierce, Sherer and Weber; Senators Titus, Wiener, Coffin, Rhoads, and Shaffer:

Assembly Bill No. 237—AN ACT relating to fuels; revising the findings of the Legislature concerning the feasibility of the conversion to cleaner-burning alternative fuels by certain fleets of motor vehicles; revising the definitions of "alternative fuel" and "dedicated alternative fuel motor vehicle"; requiring the State Environmental Commission to adopt regulations relating to dedicated alternative fuel motor vehicles; and providing other matters properly relating thereto.

Assemblyman Geddes moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Horne, Leslie, Buckley, Chowning, Perkins, Anderson, Andonov, Arberry, Atkinson, Brown, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goldwater, Griffin, Hardy, Hettrick, Koivisto, Mabey, Manendo, McClain, McCleary, Oceguera, Parks, Pierce, Sherer, and Williams:

Assembly Bill No. 238—AN ACT making an appropriation to the Interim Finance Committee for allocation to the Eighth Judicial District of the State of Nevada for operational expenses of a mental health court in Clark County; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 239—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to establish a procedure pursuant to which the owner of a motor vehicle that is at least 25 years old may obtain a special permit to display a vintage license plate on the front of that motor vehicle under certain circumstances; requiring the Department to impose a reasonable fee for the issuance of such a special permit; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 240—AN ACT relating to education; repealing the prospective expiration of certain provisions that authorize the board of trustees of a county school district to issue its general obligations to raise money to replace existing buildings or grounds for schools, and to purchase necessary equipment used in educating pupils, necessary furniture for school buildings and certain necessary equipment used for the transportation of pupils; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblyman Gustavson (by request):

Assembly Bill No. 241—AN ACT relating to general improvement districts; revising the definition of "publication"; authorizing a board of trustees of a district to increase the compensation of the trustees under certain circumstances; authorizing the board of trustees of a district to adopt and enforce regulations regarding the date on which a charge for services provided by the district becomes delinquent; making certain changes regarding the merger, consolidation or dissolution of certain districts; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 242—AN ACT relating to administrative assessments; increasing the amount of certain administrative assessments; requiring a justice or judge to impose an administrative assessment against a person convicted of certain offenses when imprisonment or community service is ordered in lieu of a fine; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 243—AN ACT relating to state finances; providing for the imposition and administration of state taxes on the gross receipts of businesses and on certain admissions and amusements; increasing certain taxes and fees; levying an ad valorem tax and revising certain limitations on the total ad valorem tax levy; revising certain provisions governing state business licenses; providing for the implementation of certain administrative methods to increase the generation of revenue; requiring certain public bodies to include a clause regarding compliance with state and local laws in each contract for a public work; requiring the review of laws regarding

certain exemptions from taxes; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 37.

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

Motion carried.

Senate Bill No. 65.

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

Motion carried.

Senate Bill No. 83.

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

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

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley withdrew the motion that Senate Bill No. 83 be referred to the Committee on Health and Human Services.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 84.

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

Motion carried.

Senate Bill No. 162.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 53.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 19.

Amend section 1, page 2, line 8, after "*therapist,*" by inserting: "*a medical laboratory technician,*".

Amend section 1, page 2, line 13, by deleting "*clinical*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(d) *"Provider of health care" has the meaning ascribed to it in NRS 200.471.*

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

~~[(e)]~~ *(f)* "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(f)]~~ *(g)* "Taxicab driver" means a person who operates a taxicab.

~~[(g)]~~ *(h)* "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in paragraph (d) or in NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and substantial bodily harm to the victim results, for a category C felony as provided in NRS 193.130.

(c) If the battery is committed upon an officer, *provider of health care,* school employee, taxicab driver or transit operator and:

(1) The officer, *provider of health care,* school employee, taxicab driver or transit operator was performing his duty;

(2) The officer, *provider of health care,* school employee, taxicab driver or transit operator suffers substantial bodily harm; and

(3) The person charged knew or should have known that the victim was an officer, *provider of health care,* school employee, taxicab driver or transit operator, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, *provider of health care,* school employee, taxicab driver or transit operator who is performing his duty and the person charged knew or should have known that the victim was an officer, *provider of health care,* school employee, taxicab driver or transit operator, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.”.

Amend the title of the bill, second line, after “assault” by inserting “or battery”.

Amend the summary of the bill to read as follows:

"SUMMARY—Enhances criminal penalty for committing assault or battery upon certain providers of health care. (BDR 15-826)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Mortenson moved that Assembly Bill No. 82 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 90.

Bill read second time and ordered to third reading.

Assembly Bill No. 201.

Bill read second time and ordered to third reading.

Senate Bill No. 32.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 40.

Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Assembly Bill No. 40:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 42.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 42:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 42 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 10.

The following Senate amendment was read:

Amendment No. 12.

Amend section 1, page 1, line 11, by deleting the period and inserting:

"~~[.]~~ *, currency or other monetary instrument or through the use of a calling card, credit card or debit card.*".

Amend the title of the bill, fifth line, before "repealing" by inserting:

"revising the definition of public telephone for the purposes of the statute prohibiting a person from refusing to relinquish a public telephone for an emergency call and from falsely stating that it is needed for an emergency call;".

Amend the summary of the bill to read as follows:

"SUMMARY—Repeals various crimes and revises definition of public telephone for purpose of statute prohibiting persons from refusing to relinquish public telephone for emergency call and from falsely stating that public telephone is needed for emergency call. (BDR 15-190)".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 10.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Clark.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hara-Isa and Leonard Remington.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Kales.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Candess Zona, Julie Shaffer, Blake Shaffer, and Alec Shaffer.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Winzler.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Stacy Spain.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Kuhlmey and Kim Russell.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Trasetti.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Faulkner, Janet Basl, Janet Ratto, Karen Drynan, Don Cronmer, Tim Ledesma, Heather Manning, Mrs. Woodring, Martha Clark, Sheree Garcia, Maria Cabera-Reyes, Lin Pruett, Andrew Buchheister, Brandon Carbera-Reyes, Peter Cordi, Lydia Cortez, Jessica Drynan, Maili Dumont, Michael Evans, Jacquie Hansen, Dalton Huston, Levi Hyde-Beverage, Sharon Klovske, Alex Largent, Tommy Maples, Monserrat Melendrez, Zack Moore, Michael Morelli, Stephanie Pira, Kayla Pruett-Barnes, Matthew Punzalan, Levi Ratto, Oliver Saah, Katrina Shearer, Callen Skinner, Breeann Woods, Tevin Wright, Casey Albin, Patrick Barlow, Cassidy Brown, Cymone Debose, Karel Felix Torres, Harrison Gray, Brittany Jacobson, Keleka Kam, Mark Ledesma, Alex Manning, Kashmir Martin, Juanita Martinez, Juanita Mendrez-Cabrera, Bryce Neilson, Ariel Payton, Alejandro Portillo, Jordan Raulston, Aaron Roberts, Eduardo Rodriquez, Nicholas Ruggieri, Leila Sparks, Hannah Torvick, Maddison Vandever, Alexandra Young, Marco Aleala, Tanner Ames, Sammi Brown, James Campbell, Cindy Chavez, Kieran Clark, Jessi Curtis, Angel Delatorre, Steven Garcia, Eduardo Garcia-Hemantez, Amanda Goncalves, Fernando Gonzalez, Eddie Guico, Samantha Holland, Danielle Levy, Fallon Lucero, Emily Miller, Jaimee Oberg, Conner Oliver, Julie Ramos, Jasmin Regla, Sacramento Saldana, Grant Adam Shelton, Diego Villa, and Juan Zasueta.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Johnson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Marlean Bowling.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Kline and Ariel Kline.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Wells.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Jones.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Mayes-Smith.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Gard Jameson, Florence Jameson, Elizabeth Pohe, and Kawana Pohe.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Carol F. Oldvary-Anderson.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Tabatha Robinson and Terrill V. Ozawa.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Rosine Bena.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Lacy J. Dalton.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Ann DeHaven.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Harry Ferris.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Gilday-Shaffer and Angie Wallin.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to John Shelton.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Abbey.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 6, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 6, 2003

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor Peggy Locke.

Lord God, behold, You have made the heavens and the earth. By Your great power and outstretched arm, there is nothing too hard for You. There is none like You, O Lord. You are great and Your name is great in might. We commit this day to you, O God, and continue to pray blessing and protection for our great nation, for our president and his family, for all those in authority over us and for our courageous military troops. We love and trust You, Most High, with all of our hearts, soul, mind and strength. For those assembled here, today, may the Lord bless you and keep you. The Lord make His face shine upon you and be gracious to you. The Lord lift up His countenance to you and give you peace.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 5, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 39.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness,

Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 6—Memorializing longtime public servant, Henry "Hank" Etchemendy.

WHEREAS, On December 18, 2001, the residents of Nevada experienced the loss of fellow Nevadan, Henry "Hank" Etchemendy, whose decades of public service working in various positions of influence throughout Nevada evidenced his love for his home state and its people; and

WHEREAS, The son of Basque parents, Henry Etchemendy was born October 6, 1923, in Elko, graduated from Elko High School and attended Colorado College at Colorado Springs for 2 years where he majored in civil engineering; and

WHEREAS, Henry Etchemendy served in the United States Marine Corps at Guadalcanal during World War II and returned to the Corps as an artillery instructor and aerial photography interpreter during the Korean War; and

WHEREAS, While starting as a building inspector in Elko in 1952, Hank Etchemendy became the first City Manager of Elko in 1955, a position he held for 11 years before moving to Carson City in 1966; and

WHEREAS, As the first City Manager of Carson City and the last County Manager of Ormsby County, Hank Etchemendy successfully guided those two governments to consolidation in 1969 and continued his work in the Capital City until 1978 when he left to become Reno's City Manager; and

WHEREAS, Known as a financial and budgetary expert, his expertise was put to good use as a member of the committee that developed the Local Government Budget Act and also as a member of advisory committees to both the Nevada Tax Commission and the Department of Taxation; and

WHEREAS, These same talents were apparent when, as an active member of the Nevada League of Cities, Hank helped develop a format to measure the financial health of cities and counties; and

WHEREAS, As Executive Director of the Nevada Association of School Boards for 15 years, Hank worked tirelessly on behalf of Nevada's local school districts and his many achievements are reflected in the commonly held sentiment that "the school children of Nevada, now and into the future, are better off because of Hank Etchemendy"; and

WHEREAS, Hank made similarly valuable contributions during his longtime service as a consultant to the Board of the Nevada Parent Teachers' Association on legislative issues; and

WHEREAS, Hank Etchemendy is survived by his wife, Peggy, sons, Larry, Arnold and Bill, several grandchildren, and his sister Mary Guccini; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 72nd Nevada Legislature express their deep sense of loss and extend their sincere condolences to the family and many friends of Henry "Hank" Etchemendy; and be it further

RESOLVED, That the kindness, fairness, honesty and commitment of Hank Etchemendy will be remembered by all whose lives have been touched by his public service to the cities and schools of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Peggy Etchemendy, Hank's loving wife of 53 years.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Carpenter, Grady, and Marvel.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

As a freshman legislator in the 1991 session, my good friend, Doug Byington, introduced me to Hank Etchemendy. He was a representative of the State School Board Association.

We found common ground on educational issues. I soon discovered that he was a rich source of information on a wide variety of public policy issues.

Hank was a Marine and served in the Pacific in World War II as a mortar crewman. Hank was recalled to train Marines on the mortar when the Korean War came along. Some of the skills Hank learned as a Marine were transferable to his civilian jobs. As a Marine, Hank was responsible for "laying the mortar" by using an aiming circle, a transit. He would lay the mortar on the right azimuth. This skill was later used during his early public service jobs.

Hank Etchemendy's experience as a public administrator in Elko, Carson City, and Reno was a tremendous value to him when he dealt with all of us. He had the fantastic ability to recall legislation that had been debated years earlier. He would hustle off to the Research Department and find the necessary information to keep all of us informed.

Hank was a very straightforward and honest person. If he told you something, you could take it to the bank. It is that Basque heritage, that Nevada spirit, that is exemplified by people like Hank Etchemendy. Every session we say, "It is different this session." Well, for me, and for anyone who knew Hank Etchemendy, this is truly a different session and we will all miss him greatly.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of ACR 6. There is no question that Hank Etchemendy was one of my best friends. We lived right across the street from the Etchemendy family in Elko. Hank used to coach Little League and was always a great person to help the youth. When Hank decided to move to Carson City to become City Manager, Peggy left with him, which was a real void in my wife's life. She and Peggy got along great and I think they used to drink coffee together every day. I really miss Hank because when I came to the Assembly we had a great time. We had a lot of things in common. He was a Basque and I was a sheepherder. He knew all about those things. We used to go to lunch a lot and we got along great. I really miss him here, because you couldn't find anyone who had more knowledge than Hank on education, cities, and counties. I want to extend my condolences to Peggy and the boys, and let you know that I miss Hank as much as you do. Hopefully, someday up there, we will be able to play Little League ball with him again.

ASSEMBLYMAN GRADY:

Thank you, Mr. Speaker. I, also, rise in support of ACR 6. Not only did Hank and I share the same birth date of October 6, but I was able to share much of his knowledge in my former capacity as director for the League of Cities. Although he was there many years before I started, many of the things that Hank brought to the League are still carried on today. It is the same way with the counties and the school districts. Like the previous speakers, he was a man that I looked up to and a person that I could call my friend. I appreciate that. Thank you, Mr. Speaker.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, also, rise in support of ACR 6. Like my colleague, I knew Hank from his days in Elko. I watched his career from the City Manager of Elko to Carson City, and around here as a lobbyist for school administrators. Hank was one person you could rely on and his word was his bond. We are all shocked at his very rapid demise. I personally want to extend my sympathies and condolences to Peggy and the family. He is going to be sorely and sadly missed.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 6 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 11:27 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Collins, Gibbons, Claborn, Horne, Koivisto, Manendo, and Mortenson (by request):

Assembly Bill No. 244—AN ACT relating to rural preservation neighborhoods; eliminating the prospective expiration of provisions for the protection of rural preservation neighborhoods; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Collins, Manendo, Claborn, Gibbons, Goicoechea, Horne, and Mortenson:

Assembly Bill No. 245—AN ACT relating to manufactured home parks; prohibiting a governing body, commission or board authorized to approve the conversion of a manufactured home park into individually owned lots from requiring a change to the existing lot sizes, setbacks and restrictions as a condition of approval for the conversion; revising the period that a landlord who is converting a manufactured home park into individual manufactured home lots is required to hold open an offer to sell a lot to a tenant; prohibiting a landlord from selling a lot to a person other than the tenant for a certain period for a more favorable price or terms than those offered to the tenant; providing that such an offer or certain notice by the landlord does not constitute notice of termination of the tenancy of the tenant; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Oceguera, Anderson, Conklin, Horne, Knecht, Angle, Arberry, Beers, Brown, Buckley, Chowning, Christensen, Claborn, Geddes, Gibbons, Giunchigliani, Goldwater, Griffin, Hettrick, Leslie, Mortenson, Perkins, and Sherer:

Assembly Bill No. 246—AN ACT relating to education; recognizing the establishment of the Center for the Analysis of Crime Statistics at the University of Nevada, Las Vegas; providing that the Center may apply for grants and accepts gifts and donations, and may use such gifts, grants and donations to carry out its duties and functions; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 247—AN ACT relating to veterans' homes; providing for the creation and administration of a trust fund consisting of money belonging to the residents of a veterans' home; providing for the creation and administration of a reserve cash fund to allow those residents immediate access to their money; providing for the creation and administration of a revolving account for each veterans' home to be used for the immediate payment of certain expenses of the veterans' home; authorizing the Executive Director of the Office of Veterans' Services to transfer money from the Veterans' Home Account to the revolving accounts under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 248—AN ACT relating to the Charter of the City of North Las Vegas; increasing the term of Office of Municipal Judges; authorizing an increase in salary to be applied during the current term of a Municipal Judge; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 249—AN ACT relating to the Public Employees' Benefits Program; requiring certain agencies to use the amounts specified by the Public Employees' Benefits Program for coverage by the Program for payroll deductions from the salaries of participating officers and employees; requiring the Public Employees' Retirement System and each public employer that participates in the Program to provide information to the Program concerning the change in status of an active or retired officer or employee; eliminating the requirement that certain retired persons show evidence of good health as a condition of enrollment in the Program; limiting the subsidy paid by the State of Nevada for retired state officers and employees to years of state service; repealing the prospective expiration of two positions on the Board of the Program; repealing the period of open enrollment for certain retired persons to join the Program; and providing other matters properly relating thereto.

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

Assembly in recess at 11:36 a.m.

ASSEMBLY IN SESSION

At 11:38 a.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.
Motion carried.

By Assemblymen Perkins, Oceguera, Conklin, Horne, Parks, Anderson, Andonov, Arberry, Atkinson, Chowning, Christensen, Collins, Gibbons, Goicoechea, Goldwater, Griffin, Hardy, Hettrick, Knecht, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Pierce, and Weber:

Assembly Bill No. 250—AN ACT relating to public safety; making various changes regarding certain acts relating to terrorism, weapons of mass destruction, biological agents, chemical agents, radioactive agents and other lethal agents, toxins and delivery systems; providing for an increased penalty for felonies committed with the intent to commit certain acts of terrorism; establishing as murder of the first degree murder committed with the intent to commit certain acts of terrorism; establishing for the purposes of the death penalty an aggravating circumstance relating to murders committed with the intent to commit certain acts of terrorism; providing that there is no statute of limitations for prosecution of certain acts relating to terrorism; requiring certain property used to commit certain acts of terrorism to be subject to forfeiture; making various other changes pertaining to certain acts relating to terrorism, weapons of mass destruction, biological agents, chemical agents, radioactive agents and other lethal agents, toxins and delivery systems; providing penalties; requiring resort hotels to adopt emergency response plans; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By Assemblymen Angle, Knecht, Gustavson, Andonov, Brown, Carpenter, Christensen, Collins, Gibbons, Goicoechea, Griffin, Hardy, Hettrick, Mabey, Marvel, Mortenson, Sherer, and Weber; Senators O'Connell, Cegavske, and Amodei (by request):

Assembly Bill No. 251—AN ACT relating to education; prohibiting an employee or agent of a school district from taking certain actions relating to the use of psychotropic drugs by pupils; authorizing certain employees of a school district to suggest that a pupil be evaluated for placement in a special program; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Education.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 6, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 14.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 14.

Assemblyman Goldwater moved the adoption of the resolution.

Remarks by Assemblymen Goldwater and Pierce.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. So often when we do resolutions we refer to the resolution itself and say that it says everything. When we are talking about Dr. Ghanem this happens not to be a case. It barely touches the tip of the iceberg on what Dr. Ghanem has meant to this state and particularly to the City of Las Vegas.

Dr. Ghanem is most well known for treating all the famous people, including Elvis Presley. He is less known, but had more impact, for the thousands upon thousands of people whom he treated with kindness and compassion, and in a lot of cases, for free. His friends didn't like him; they loved him. A lot of people have great friends, but everyone who met Dr. Ghanem loved him, and he loved them back.

Boxing was a passion of his. He worked for Nevada Athletic Commission through his final days. He worked hard. The sport of boxing in Nevada is a respected sport, not a joke. That is mainly due to his hard work over the years. He exemplified what being an American is. He loved his country a lot, which is why he was so involved in political life. He was so passionate about politics, Democratic and Republican. He was a confidant and friend to presidents as much as he was to a busboy at a local hotel. He is survived by a wonderful family and supported for many years by his lovely wife, Jody, and his brother, Nasser. He had a strong sense of family, even through his younger days. It is appropriate that this Body recognize Dr. Elias Ghanem. It is appropriate that we recognize him in this fashion, knowing that his legacy and what he did for this state will continue. Thank you, Mr. Speaker.

ASSEMBLYWOMAN PIERCE:

Thank you, Mr. Speaker. I rise in support of SCR 14. If working people of Nevada had a patron saint of doctors, that patron saint would have undoubtedly been Dr. Elias Ghanem. While many are aware of Dr. Ghanem's endless charitable contributions to our community and our state, few are aware of Dr. Ghanem's unwavering support of working people. It is one thing to stand with workers when times are good, and it is another thing to stand with workers who are engaged in a bitter struggle with their employer. Lines get drawn, sides become polarized. Those without moral courage often run for the sidelines, but not Dr. Ghanem. He knew what side he was on. When workers at the Frontier Hotel were forced to strike for 6½ years, Dr. Ghanem was there for them. He took it upon himself to make sure that no striking worker went without medical care. In fact, during the long conflict more than 80 babies were born to those workers. Every mother, every delivery, every baby, received free medical care thanks to Dr. Ghanem. During the midst of that strike, ten strikers marched from Las Vegas to Los Angeles, 250 miles across the desert, to draw national attention to their struggle.

Dr. Ghanem would drive out and meet the marchers to tend to their badly blistered feet. For those striking workers who often thought no one cared about them, Dr. Ghanem was and remains a saint.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 252—AN ACT making an appropriation to the State General Fund from the Fund to Stabilize the Operation of State Government; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 253—AN ACT making a supplemental appropriation to the State Distributive School Account in the State General Fund for an unanticipated shortfall in Fiscal Year 2002-2003; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 254—AN ACT making supplemental appropriations to the Department of Motor Vehicles for certain unanticipated shortfalls in money for Fiscal Year 2002-2003; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 255—AN ACT relating to the Department of Human Resources; extending the reversion date of the appropriation made during previous Legislative Session to the Department of Human Resources for the Medicaid Management Information System; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 256—AN ACT making a supplemental appropriation to the Consumer Affairs Division of the Department of Business and Industry for an unanticipated shortfall in money for Fiscal Year 2001-2002; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 257—AN ACT making appropriations to restore the balance in the Contingency Fund; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 258—AN ACT relating to cosmetology; requiring a shampoo assistant to be licensed by the State Board of Cosmetology; authorizing an operator of a cosmetological establishment to employ or lease space to persons other than cosmetologists; imposing a fee for the issuance or renewal of a license as a shampoo assistant; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Parks, McClain, Giunchigliani, Leslie, Gibbons, Anderson, Arberry, Atkinson, Buckley, Chowning, Claborn, Conklin, Goldwater, Grady, Horne, Koivisto, Manendo, McCleary, Mortenson, Oceguera, Perkins, Pierce, and Williams; Senators Titus, Rawson, Wiener, and Coffin (by request):

Assembly Bill No. 259—AN ACT relating to public welfare; creating the Advisory Committee on Homelessness; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 53.

Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Assembly Bill No. 53:

YEAS—40.

NAYS—None.

NOT VOTING—Williams.

EXCUSED—Ohrenschall.

Assembly Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 90
Bill read third time.
Remarks by Assemblyman Geddes.

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

Assembly in recess at 12:05 p.m.

ASSEMBLY IN SESSION

At 12:06 p.m.
Mr. Speaker presiding.
Quorum present.

Roll call on Assembly Bill No. 90:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 90 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 201.
Bill read third time.
Remarks by Assemblymen Leslie and Beers.
Potential conflict of interest declared by Assemblyman Beers.
Roll call on Assembly Bill No. 201:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 32.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Senate Bill No. 32:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Senate Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Etchemendy, Larry Etchemendy, and Billie Brinkman.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Foley, Mike Martsolf, Phil Bender, Norman Rosenberg, and Julie Ann Utley.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Graf.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Mildred Pierce Springer.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Ledeboer.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Madsen.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Jones.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Anita Wood.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Arnold Etchemendy and Kathy Etchemendy.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Van Valkenburgh and Vicki Newell.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Hume, Kathy Bolotin, Danny Corneil, Heather DeAngeli, Sherise Smith, Melody Dunn, Donna Juell, Gail Ayres, Kristal Waddington, Dave Keller, Ann Urie, Joe Altick, Denise Altick, Mandy Agerholm, Leanna Crocco, Rylan Bailey, Vernoica Becher, Faith Benesch, Caden Bird, Brian Bolotin, Sean Bryant, Elaine Carpenter, William Charles, Elizabeth Cole, Tyler Cook, Sean Corneil, Nicole DeAngeli, Madeleine DiPaolo, Alex Jacobsen, Allie Jenkins, Samuel Johnson, David Karr, Jordan Kern, Diana Kovaltchou, Nick Lapp, Neal Long, Andrew Pikero, Lara Ayres, Janelle Borsum, Phillip Breslow, Kinsey Brown, Alec Coleman, Brandon Drumright, Elena Gamboa, Jake Garfinkle, Brendan Gomez, Dana Green, Emily Hamby, Brad Held, Joanna Hoffman, Ben Juell, John Knobel, Philip Koci, Aaren Moratti, Braden Murphy, Phil Richeson, Tim Robb,

Demetria Swendseid, Alexis Taitel, Mitch Taylor, Rachel Waddington, Alex Werbeckes, Jocob Ziolkowski, Chris Zumtobel, Logan Siri, Dylan Smith, Amy Urban, Timothy Wood, Kelsey Agerholm, Henry Altick, John Borsum, Collin Brown, Scott Challis, Braden Crocco, Luke Drymalski, Micaedu Gomez, Caitlin Greene, Lindsey Gump, Colton Jacobson, Eli Mlawsky, Aubrey Morgan, Megan Mudge, Alex Murphy, Zander Newcomb, Niki Rahming, Danielle Salgo, L.J. Savage, Lizzie Urie, Trent Virden, Kes Vitkus, Michael Warden, Amanda Warrer, John Whitefield, and Garrett Winkelmaier.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Suzanne Hackett-Morgan.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Hepworth.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Jody Ghanem, Nasser Ghanem, and Elizabeth Ghanem.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Kenneston and Lucy Bouldin.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Haraisa and Kristy Price.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Duncan McCoy, Elizabeth Pohe, and Kawana Pohe.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Marta Hall.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Lin Nary, Susan Antipa, and Javier Ramirez.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Biagi.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Baker.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanne Munk.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Ian Campbell.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Etchemendy, Cindy Etchemendy, and Brandon Etchemendy.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Lawrence Holcomb.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Chipman, Paul Willis, Patricia Bain, and Toni Dellamonica.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Felton Thomas.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, March 7, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-THIRD DAY

CARSON CITY (Friday), March 7, 2003

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Andonov, Collins, Ohrenschall and Williams, who were excused.

Prayer by the Chaplain, Pastor Peggy Locke.

Great is your faithfulness, O God. Your mercies are new every morning. We give thanks to You, O Lord God, for the incredible privilege and freedom to be able to come to You and pray. We pray for our President and our nation, for the safety and security of our military troops, and for this Assembly gathered here today, and for their families. O Most High, bring blessing and peace, wisdom and strength to each one. May we be of good courage and be strong for our people and for the cities of our God. And may the Lord do what is good in His sight. He who dwells in the secret place of the Most High shall abide under the shadow of the Almighty. I will say of the Lord, "He is my refuge and my fortress; My God, in Him I will trust." Therefore, be anxious for nothing, but in everything by prayer and supplication, with thanksgiving, let your requests be made known to God; and the peace of God, which surpasses all understanding, will guard your hearts and minds through Christ Jesus.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 6, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 26.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 6.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Beers, Gibbons, Christensen, Goldwater, Grady, Gustavson, Hardy, Horne, Manendo, and Sherer:

Assembly Bill No. 260—AN ACT relating to public records; authorizing the use of machine-readable media for the preservation of certain public records; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Mabey, Gibbons, Griffin, Brown, Buckley, Angle, Carpenter, Geddes, Goicoechea, Hardy, Hettrick, Knecht, Marvel, McCleary, Pierce, Sherer, and Weber:

Assembly Bill No. 261—AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide coverage for continued medical treatment by a provider of health care under certain circumstances; revising the circumstances under which the Commissioner of Insurance may suspend or revoke a certificate of authority issued to a health maintenance organization; requiring certain public organizations that provide health insurance to provide coverage for continued medical treatment by a provider of health care under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Manendo, Giunchigliani, Koivisto, McClain, Chowning, Anderson, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Horne, Knecht, Leslie, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, and Williams:

Assembly Bill No. 262—AN ACT relating to housing; providing for the inspection of, and the issuance of certificates of occupancy for, factory-built housing and manufactured buildings by the Manufactured Housing Division of the Department of Business and Industry under certain circumstances; authorizing the Division to establish certain fees; providing for the classification of mobile, manufactured and factory-built homes on leased land as real property for purposes of property taxes under certain circumstances; establishing liability for the unlawful removal of a mobile or manufactured home which has been converted to real property; authorizing dealers of new manufactured homes to contract with licensed providers of services to perform work pertinent to the sale, installation and occupancy of manufactured homes; revising provisions governing the licensure of limited servicemen who provide services relating to the installation and repair of manufactured homes; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 17.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 20.

Amend section 1, page 1, line 9, by deleting: "$75 per hour." and inserting: " *$125 per hour in cases in which the death penalty is sought and* $75 per hour ~~.~~ *in all other cases.*

Amend sec. 3, page 3, line 25, by deleting "*degree,*" and inserting: "*degree in a case in which the death penalty is sought,*".

Amend sec. 3, page 3, by deleting lines 27 through 30 and inserting: "*1. Two attorneys; and*".

Amend sec. 3, page 3, line 31, by deleting "*5.*" and inserting "*2.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Joint Resolution No. 4—Urging the President of the United States and Congress to support a free trade agreement between the Republic of China on Taiwan and the United States.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 263—AN ACT relating to public employees' benefits; reducing the number of days of notice that participants in the Public Employees' Benefits Program must be given before being required to select or change a policy of health insurance that will result in a change in premiums or coverage; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 39.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Atkinson.

On request of Assemblyman Arberry Jr., the privilege of the floor of the Assembly Chamber for this day was extended to John T. Stephens III.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Young, Linda Enos, Beverly Monroe, Greg Monroe, Nelly Ramynke, John Stevens, Carol Hatch, Kortney Corley, Beatriz de la Puente, Quinton Flury, Brittany Garcia, Mayra Gutierrez, Johnathan Hanes, Dana Hatch, Zuliema Jimenez, Trevor Lane, Vivian Lester, Bryce Old, Sierra Payton, Benjamin Portillo, Damaris Ramirez, Katherine Ramynke, Christian Rivera, Kendall Rubio, Una Saah, Kevan Scott, Toni Sondersfed, Chase Stimpson, Zoe Terry, Raymond Thebodeau, Jose Vazquez, Emmanuel Williams, Christine Woods, Edith Carias, Tisha Adams, Steve Bradley, Connor Brown, Alma Bustos, Tanya Castillo, Bicheng Chen, Ben Clark, Tim Dedeurwaerder, Sheila Espinosa, Nathanael Franey, Charlene Funk, Malir Goade, Duane Scott, Joseph Jones, Jaclyn Knapp, Derkk Machado, Julia Mellum, Sarah Monroe, Katrina Neilson, Melanie Nguyen, Stevie Old, Jairo Recinas, Jeremy Stevens, Steven Wendell, Shawn Woodward, and Stephanie Klovski.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Harvey, Kathryn Burke, and Cathleen Bartley.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Hardy.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 10, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:27 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 10, 2003

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Ohrenschall and Williams, who were excused.

Prayer by the Chaplain, Pastor Ken Haskins.

Our loving Heavenly Father, You provide for all of our needs. Every good and perfect gift comes from You. We acknowledge our dependency upon You. Grant us the wisdom, creativity, courage, and all that is necessary to perform well the challenging work that You have for us. With grateful hearts we pray in Jesus' name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 74, 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 263 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Williams, Anderson, Atkinson, Arberry, Buckley, Chowning, Claborn, Collins, Conklin, Goldwater, Horne, Koivisto, Leslie, Manendo, McClain, Mortenson, Oceguera, Parks, Perkins, and Pierce:

Assembly Bill No. 264—AN ACT relating to education; providing in skeleton form for the abolishment of certain county school districts; providing in skeleton form that the public schools within the abolished county school districts are under the direction and control of certain other school districts; authorizing boards of trustees of school districts to establish programs for the care of children on school property and programs to provide health care for certain persons; revising provisions governing the calculation of basic support for pupils who are enrolled in kindergarten for a full school day; requiring boards of trustees of school districts to establish magnet schools; increasing the number of days of school during a school year; requiring public schools to administer a reading comprehension examination to pupils who are enrolled at or above the 4th grade; requiring school districts to establish programs to administer achievement and proficiency examinations on the weekends in certain schools; revising provisions governing textbooks; requiring licensed teachers to work a certain number of hours per school day; authorizing the employment of a person as a school principal who does not hold a license as an administrator under certain circumstances; authorizing the parents and guardians of certain pupils to choose which public schools the pupils will attend; requiring boards of trustees of school districts to purchase retirement credit for certain teachers; prescribing the minimum number of credits required for promotion to high school; providing that certain children who are at-risk must be admitted to kindergarten for a full school day; requiring homeschooled children to take certain achievement and proficiency examinations; revising provisions governing the plan required of each public school for the progressive discipline and on-site review of disciplinary decisions regarding pupils; specifying the terms of certain members on a committee to review the temporary alternative placement of pupils; authorizing the Board of Regents of the University of Nevada to administer a program of loans for students who are enrolled in teaching programs; making appropriations; requiring boards of trustees of school districts to pay a minimum starting salary for teachers and prohibiting the payment of signing bonuses; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 265—AN ACT relating to motor vehicles; providing for the reduction of certain fees for the registration of certain motor vehicles based upon the estimated number of miles that the motor vehicle will travel within this state during the year for which it is registered; providing for the adjustment of those fees based upon the actual number of miles traveled; requiring the Director of the Department of Motor Vehicles to adopt regulations; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 266—AN ACT relating to education; requiring the Superintendent of Public Instruction to prepare a compilation of certain information for inclusion in the biennial budgetary request for the State Distributive School Account; requiring each school district to maintain a certain percentage in the ending balance of the general fund of the school district; revising provisions governing the calculation of basic support for pupils who are enrolled in kindergarten for a full school day; authorizing school districts to develop alternative plans for the reduction of pupil-teacher ratios in certain grades; requiring that the annual base salary of teachers and other licensed educational personnel must be cumulatively increased each year by a certain percentage; providing that certain children who are at risk must be admitted to kindergarten for a full school day; making various appropriations for education and educational personnel; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 267—AN ACT relating to motor vehicles leased for a short term; revising provisions regarding the collection of governmental services fees and recovery surcharges from a short-term lessee; requiring a short-term lessor to report to the Department of Taxation on a quarterly basis the amount of any recovery surcharges collected by the short-term lessor during the immediately preceding calendar quarter; transferring certain duties and functions from the Department of Motor Vehicles to the Department of Taxation; requiring the Executive Director of the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Gibbons, Buckley, Geddes, Giunchigliani, Goldwater, Grady, Hardy, Knecht, Manendo, Marvel, Oceguera, and Weber; Senators Mathews and Cegavske:

Assembly Bill No. 268—AN ACT relating to schools; requiring boards of trustees of school districts to pay increased salaries to certain speech pathologists employed by those school districts; requiring related information to be included in the annual budget report of each school district; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Mabey, Gibbons, Griffin, Brown, Knecht, Angle, Buckley, Carpenter, Geddes, Goicoechea, Hardy, Hettrick, Marvel, McCleary, Pierce, Sherer, and Weber:

Assembly Bill No. 269—AN ACT relating to insurance; requiring certain health care plans and insurance policies to provide, under certain circumstances, coverage for medical care if confirmation of coverage and prior authorization is obtained; revising the circumstances under which the Commissioner of Insurance may suspend or revoke a certificate of authority issued to a health maintenance organization; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 17.

Bill read third time.

Remarks by Assemblymen Anderson, Gustavson, Hardy, Angle, and Leslie.

Roll call on Assembly Bill No. 17:

YEAS—37.

NAYS—Angle, Gustavson, Knecht—3.

EXCUSED—Ohrenschall, Williams—2.

Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 263

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 263:

YEAS—40.

NAYS—None.

EXCUSED—Ohrenschall, Williams—2.

Assembly Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bill No. 263 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:33 a.m.

Mr. Speaker presiding.

Quorum present.

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

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

MARK MANENDO, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hettrick, Perkins, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber, and Williams:

Assembly Joint Resolution No. 5—Urging Congress to appropriate just compensation to State of Nevada for losses of revenue for public education from impact of land in Nevada held by Federal Government.

Assemblyman Hettrick moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Goldwater, Parks, Andonov, Arberry, Atkinson, Brown, Buckley, Conklin, Griffin, Horne, Leslie, and Oceguera; Senators O'Connell and Carlton:

Assembly Bill No. 270—AN ACT relating to community redevelopment; expanding the criteria that the legislative body of a city or county must consider before consenting to any payment by a community redevelopment agency for the land for and the cost of construction of any building, facility, structure or other improvement and the installation of any improvement; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 26; Assembly Concurrent Resolution No. 6; Senate Bill No. 32; Senate Concurrent Resolution No. 14.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Bell and Nicole Conchola.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to William Hausman.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Linebarger and Rena McDonald.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Branch.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Cox and Josh Cox.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Peter McCoy.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Carr.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Reeder, Angela Detie, and Denise Duarte.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Jared Cox.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Venicia Considine.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Duane Lewis and Preston King.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Levi Laws and Lamar R. Laws.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Hardie and Shannon Boyle.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Sally Eakerns and Kathleen Menasche.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Hall, Lynn Vertmer, and Amanda Vertmer.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Groves, Pattie Groves, and Katie Groves.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Vigneault.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Kennedy and Elizabeth Cunningham.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to K. Joni Reid.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, March 11, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:41 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 11, 2003

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Goldwater, who was excused.

Prayer by the Chaplain, Pastor Ken Haskins.

O Lord, our Lord, how majestic is Your Name in all the earth. The glory of the sunrise and the sunset, the fragrance of the rose and gardenia, the whisper of the brook; these all declare Your creative handiwork. Bless our efforts this day so that they might prove to be a creative handiwork pleasing in Your sight. We pray in the Name of the One through whom You made all things

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 133, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

March 4, 2003

ASSEMBLYMAN RICHARD PERKINS, Nevada Assembly, 401 S. Carson Street, Carson City, Nevada 89701

DEAR SPEAKER PERKINS:

I hope this letter finds you and your colleagues doing well as you work through what must be a difficult legislative session. Your wisdom and years of experience will surely prove to be invaluable during these tenuous times.

I am writing today to formally request that I may be permitted to address a joint session of the Nevada Legislature on Wednesday, April 16, 2003. The last few months have been an

incredible learning experience, and I look forward to sharing my experiences with you and my former colleagues.

Thank you for your consideration of my request. Please contact my Deputy Chief of Staff, Brooke van Soest, if you have any questions regarding this matter. Brooke can be reached at (702) 387-4941.

Sincerely,
JON C. PORTER
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 10, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 263.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 18, 72, 113, 140, 174.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 271—AN ACT making an appropriation to the Governor for support of the Nevada Commission for National and Community Service; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Carpenter and Goicoechea (by request):

Assembly Bill No. 272—AN ACT relating to professions; creating the Board of Outfitters and Guides; prescribing the powers and duties of the Board; requiring the licensing of outfitters and guides; establishing fees for licenses issued by the Board; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture, and Mining and Ways and Means.

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

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker presiding.

Quorum present.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 273—AN ACT relating to the protection of children; establishing procedures for permanently placing an abused or neglected child with a guardian; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Goldwater:

Assembly Bill No. 274—AN ACT relating to property; increasing the length of notice before persons 55 years of age or older may be evicted from certain periodic tenancies under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 275—AN ACT relating to dispensing opticians; eliminating the authority of a dispensing optician to fit contact lenses; repealing the provision providing for a license for a dispensing optician to fit contact lenses; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Collins, Conklin, Giunchigliani, Goicoechea, Grady, Hardy, McClain, Mortenson, Parks, and Weber:

Assembly Bill No. 276—AN ACT making an appropriation to the Department of Transportation for the design of fencing and an underpass for that portion of State Route 159 from the Blue Diamond turnoff to the northeast corner of Red Rock Canyon Park; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Collins, Gibbons, Anderson, Conklin, Giunchigliani, Grady, Hardy, Koivisto, McClain, Mortenson, Parks, Pierce, and Williams (by request):

Assembly Bill No. 277—AN ACT relating to industrial insurance; prohibiting a self-insured employer, an association of self-insured public or private employers or a private carrier from entering into a contract with an organization for managed care to provide medical and health care services to injured employees under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Mabey, Geddes, Gibbons, Knecht, Anderson, Arberry, Beers, Brown, Christensen, Conklin, Grady, Gustavson, Hardy, Horne, Koivisto, Marvel, McClain, Mortenson, Parks, Sherer, and Weber (by request):

Assembly Bill No. 278—AN ACT relating to cities; providing that an owner of property within the city who is ordered to abate a dangerous or noxious condition on private property may appeal the decision ordering such abatement to a court of competent jurisdiction; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Giunchigliani and Anderson:

Assembly Bill No. 279—AN ACT relating to public employees; abolishing requirement of binding arbitration for teachers and educational support personnel; providing the authority to strike under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 280—AN ACT relating to insurance; requiring an insurance company that transacts motor vehicle insurance in this state to include in each policy of insurance certain provisions relating to reimbursement and payments for injuries arising out of the maintenance or use of a motor vehicle; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 281—AN ACT relating to state finances; providing for the imposition and administration of state taxes on the gross receipts of businesses and on certain admissions and amusements; increasing certain taxes and fees; levying an ad valorem tax and revising certain limitations on the total ad valorem tax levy; revising certain provisions governing state business licenses; providing for the implementation of certain administrative methods to increase the generation of revenue; requiring certain public bodies to include a clause regarding compliance with state and local laws in each contract for a public work; requiring the review of laws regarding

certain exemptions from taxes; creating and assigning duties to an Office of Federal Grants Acquisition in the Office of the Governor and a Task Force on Tax Policy in Nevada; making an appropriation; providing penalties; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Giunchigliani and Claborn:

Assembly Bill No. 282—AN ACT relating to public works projects; requiring that a bidder participate in certain programs of training and apprenticeship to be qualified to bid on public works projects; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 11, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 16.

MARY JO MONGELLI
Assistant Secretary of the Senate

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

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:35 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 16.

Assemblyman Sherer moved the adoption of the resolution.

Remarks by Assemblymen Sherer and Carpenter.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen McClain, Koivisto, Parks, Chowning, Claborn, Anderson, Andonov, Angle, Arberry, Atkinson, Brown, Buckley, Carpenter, Christensen, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Horne, Knecht, Leslie, Manendo, Marvel, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, Weber, and Williams:

Assembly Bill No. 283—AN ACT relating to public health; providing subsidies from the Fund for a Healthy Nevada for the coverage of limited-scope dental and vision benefits within the program of subsidies for the provision of prescription drugs and pharmaceutical services to senior citizens; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Buckley, Parks, Gibbons, Leslie, Horne, Anderson, Beers, Brown, Carpenter, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Griffin, Hardy, Hettrick, Koivisto, Mabey, Manendo, McClain, Oceguera, Ohrenschall, Perkins, and Sherer:

Assembly Bill No. 284—AN ACT relating to property; prohibiting certain acts by lenders of home loans as unfair lending practices; providing for enforcement by the Attorney General; prohibiting the sale of real property by a trustee under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 18.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 72.

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

Motion carried.

Senate Bill No. 113.

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

Motion carried.

Senate Bill No. 140.

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

Motion carried.

Senate Bill No. 174.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Koivisto, McClain, Chowning, Conklin, Ohrenschall, Anderson, Buckley, Carpenter, Collins, Manendo, McCleary, Oceguera, Parks, Pierce, Sherer, and Williams; Senator Carlton:

Assembly Bill No. 285—AN ACT relating to elections; requiring a declaration of candidacy or acceptance of candidacy to be accompanied by a completed fingerprint card, authorization for an investigation and fee for the investigation; requiring a declaration of candidacy or acceptance of candidacy to include a statement that the declarant is a qualified elector and, if he has been convicted of a felony, that his civil rights have been restored; prohibiting a filing officer from accepting a declaration of candidacy or acceptance of candidacy if the candidate has not presented certain identification; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Koivisto, McClain, Knecht, Chowning, Ohrenschall, Anderson, Atkinson, Buckley, Carpenter, Claborn, Collins, Conklin, Giunchigliani, Goicoechea, Manendo, McCleary, Oceguera, Parks, Pierce, and Williams:

Assembly Bill No. 286—AN ACT relating to programs for public personnel; requiring the governing body of a local government to pay a certain portion of the costs of coverage under the Public Employees' Benefits Program for persons retired from the service of the local government who join the Program upon retirement; requiring each governing body of a local government and the Board of the Public Employees' Benefits Program to ensure that rates established for coverage for their programs of group insurance are the same for all participants; providing a period of open enrollment in which retired public officers and employees of local governments who joined the Public Employees' Benefits Program upon retirement may join the group insurance or medical and hospital service of their last public employer; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 34.

Bill read second time and ordered to third reading.

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

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 34 be re-referred to the Committee on Ways and Means.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 74.
Bill read second time and ordered to third reading.

Assembly Bill No. 89.
Bill read second time and ordered to third reading.

Assembly Bill No. 111.
Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Alayna Kephart.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Launa Hall.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Knorr and Brandy Gregg.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Sturges, Ken Haskins, Laurie Nellis, Omar Arroyo, Grant Brewer, Rodney Calhoun, Sean Cutinilli, Carmela Diaz, Cole Dufrense, Nicolas Garcia, Cheyenne Hammack, Austin Irvine, Amber Lemaster, Colin McCulloch, Jackie Noel, Madeline Noel, Analiza Ong, Miranda Peragallo, Wade Ricketts, Dylan Sawyers, Dallin Toronto, Vanessa Vizcaino, Taylor Adams, Brady Ahern, Keegan Aiazzi, Bryce Arbour, Quinn Ashley, Austin Brown, Julieta Gonzalez, August McDowell, Noemi Meza, Ulises Perez, Alyssa Richards, Olivia Rodriquez, Harrison Root, Margaro Sanchez, Ryan Schmid, and Meagen Spraycar.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Mills.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 13, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:03 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 13, 2003

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Buckley, who was excused.

Prayer by the Chaplain, Pastor Ken Haskins.

Our gracious Heavenly Father, we are thankful for America, this land that You have so richly blessed, this land of the free where every man is a king and every woman is a queen. We Americans enjoy freedoms like no other people on earth. Continue to bless this great nation and enable each of us to do our part to ensure that the future always be bright for America. We pray in Jesus' name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 91, 130, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 148, 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 73, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 11, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 3, 4, 5.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 12, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 36.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hardy, Gibbons, Collins, Marvel, Mabey, Andonov, Beers, Brown, Christensen, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Knecht, Koivisto, Manendo, McCleary, Pierce, Sherer, and Weber; Senators McGinness, Schneider, Washington, and Wiener:

Assembly Joint Resolution No. 6—Urging Congress to increase payments in lieu of taxes and make certain other reparations for the detrimental effects of federally held lands in Nevada.

Assemblyman Hardy moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

NOTICE OF EXEMPTION

March 13, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 4, 5, 7, 13, 16, 24, 25, 34, 41, 45, 47, 62, 65, 68, 72, 78, 79, 102, 104, 109, 131, 142, 159, 162, 165, 170, 172, 179, 183, 186, 189, and 197.

MARK STEVENS
Fiscal Analysis Division

March 13, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 203, 209, 214, 222, 227, 242, 243, 259, 264, and 266.

MARK STEVENS
Fiscal Analysis Division

Senate Concurrent Resolution No. 3.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Concurrent Resolution No. 4.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Concurrent Resolution No. 5.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Mortenson, Collins, Goldwater, Hettrick, Claborn, Anderson, Andonov, Angle, Buckley, Chowning, Manendo, McCleary, and Oceguera:

Assembly Bill No. 287—AN ACT relating to state land; imposing conditions on the transfer by the State of Nevada to a local government of any state park or interest therein; requiring legislative authorization before a local government to which such property or interest is transferred may sell, lease, encumber, alienate or otherwise dispose of the property or interest; authorizing the Division of State Parks of the State Department of Conservation and Natural Resources to enter into cooperative agreements with certain political subdivisions of this state to establish and maintain certain parks; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Atkinson, Oceguera, Ohrenschall, Koivisto, Knecht, Anderson, Andonov, Arberry, Buckley, Carpenter, Chowning, Claborn, Collins, Conklin, Giunchigliani, Goicoechea, Griffin, Hardy, Horne, Leslie, Manendo, McClain, McCleary, Parks, Perkins, Pierce, Sherer, Weber, and Williams:

Assembly Bill No. 288—AN ACT relating to minors; providing for the judicial approval of certain contracts for the artistic, creative or athletic services or intellectual property of minors; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Weber, Knecht, Mabey, Andonov, Beers, Conklin, Giunchigliani, Goicoechea, Grady, Griffin, Koivisto, Manendo, Marvel, McClain, Mortenson, Pierce, and Sherer (by request):

Assembly Bill No. 289—AN ACT relating to elections; providing for the names of candidates to be listed on a ballot in accordance with a randomized procedure of alphabetization; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Grady, Hardy, Knecht, Andonov, Atkinson, Beers, Brown, Christensen, Collins, Geddes, Gibbons, Goicoechea, Griffin, Hettrick, Mabey, Manendo, Marvel, Pierce, Sherer, and Weber:

Assembly Bill No. 290—AN ACT relating to cultural resources; increasing the amount of financial assistance that the Commission for Cultural Affairs may grant from the proceeds of general obligation bonds for the preservation and protection of certain historical buildings; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 291—AN ACT relating to land use planning; providing in skeleton form for the abolishment of city and county planning commissions in certain larger counties; providing for the continued employment, without loss of position, seniority or benefits, of the staffs of those former planning commissions with the governing bodies of the applicable cities and counties; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Anderson, Conklin, Ohrenschall, Geddes, Gibbons, Arberry, Atkinson, Beers, Buckley, Chowning, Claborn, Collins, Giunchigliani, Griffin, Hardy, Horne, Koivisto, Leslie, Manendo, Marvel, McClain, Oceguera, Parks, Perkins, and Pierce:

Assembly Bill No. 292—AN ACT relating to elections; expressly prohibiting a political subdivision of this state from challenging an initiative petition, a referendum petition or a petition for the recall of a public officer under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Mortenson, Giunchigliani, Koivisto, Gustavson, Hettrick, Beers, Conklin, Leslie, McCleary, and Sherer:

Assembly Bill No. 293—AN ACT relating to elections; providing that, in certain counties and cities, if a ballot question is placed on the ballot by specified entities, committees must be appointed to prepare arguments advocating and opposing the ballot question; requiring the specified entities to submit timely a copy and explanation of the ballot question to the county clerk or city clerk, as applicable; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Conklin, Oceguera, Giunchigliani, Horne, Ohrenschall, Anderson, Arberry, Atkinson, Buckley, Carpenter, Chowning, Claborn, Collins, Geddes, Goldwater, Gustavson, Koivisto, Leslie, Manendo, McClain, McCleary, Mortenson, Parks, Perkins, Pierce, Sherer, and Williams; Senators Carlton and Wiener:

Assembly Bill No. 294—AN ACT relating to industrial insurance; prohibiting an insurer from issuing a check that includes a restrictive endorsement or other declaration as a condition for negotiation of the check for the payment of certain benefits for industrial insurance; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen McClain, Claborn, Ohrenschall, Atkinson, Gibbons, Anderson, Andonov, Arberry, Beers, Carpenter, Christensen, Collins, Conklin, Giunchigliani, Grady, Griffin, Hettrick, Knecht, Koivisto, Manendo, Parks, Pierce, Sherer, and Williams (by request):

Assembly Bill No. 295—AN ACT relating to public works; revising the provisions governing the criteria for determining the qualification of bidders on public works of local governments; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Weber, Geddes, Anderson, Sherer, Leslie, Buckley, Horne, Mabey, and Pierce:

Assembly Bill No. 296—AN ACT relating to energy; excluding tires from the definition of "biomass" for the purposes of energy policy, public utilities, the portfolio standard for renewable energy net metering and optional pricing; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Sherer, Knecht, Gibbons, Andonov, Angle, Brown, Christensen, Conklin, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Koivisto, Mabey, Marvel, McClain, Mortenson, and Weber; Senator McGinness:

Assembly Bill No. 297—AN ACT relating to public welfare; requiring the payments made for a hospital treating a disproportionate share of Medicaid

patients, indigent patients or other low-income patients to be made to the county in which the hospital is located; requiring the hospital to submit a claim against the county for the money received by the county; and providing other matters properly relating thereto.

Assemblyman Sherer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 298—AN ACT relating to campaign practices; prohibiting state and local governments under certain circumstances from paying for publications, advertisements and television programming that are reasonably likely to affect public opinion on a contested matter of public policy; prohibiting state and local governments under certain circumstances from paying for publications, advertisements and television programming that prominently feature current public officers who are candidates for elective office; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Beers, Gustavson, Christensen, Conklin, Giunchigliani, Grady, Horne, Koivisto, McClain, Pierce, Sherer, and Weber; Senators Cegavske, Amodei, Care, and Schneider:

Assembly Bill No. 299—AN ACT relating to motor vehicles; establishing the duties of a driver when that driver approaches an authorized emergency vehicle which is stopped and is making use of flashing lights; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Mabey, Griffin, Hardy, Andonov, Beers, Brown, Christensen, Geddes, Gibbons, Goicoechea, Grady, Gustavson, Hettrick, Knecht, Marvel, Sherer, and Weber:

Assembly Bill No. 300—AN ACT relating to malpractice; providing in skeleton form for the creation of screening panels for medical and dental malpractice to hear claims of malpractice before such claims may be filed in court; requiring the Commissioner of Insurance to enter into agreements with physicians, dentists, attorneys and hospital administrators to serve as members on the screening panels; requiring the Commissioner of Insurance to employ an administrative law judge to serve as the presiding officer for each of the screening panels; requiring the administrative law judge to select the members of the screening panels and to oversee the claims filed with the screening panels; providing for the prospective expiration of the screening panels; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 301—AN ACT relating to wildlife; prohibiting the Board of Wildlife Commissioners from requiring a person, as a condition of qualifying for a special incentive tag, to have more than 35 elk on private lands which are controlled by the person and are within an actual elk area; providing for the payment of money or materials to prevent or mitigate damages caused by certain animals to fences on private and public lands and to construct fences around certain areas of those lands; authorizing state grazing boards to apply for and accept such payments of money and materials; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 302—AN ACT relating to controlled substances; repealing a duplicative provision concerning the penalty for the sale of imitation controlled substances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 303—AN ACT relating to incarceration; authorizing the sheriff to declare a state of emergency because of the overcrowding of prisoners in a county jail; providing that certain persons, courts and agencies may take certain actions to reduce overcrowding in a county jail; revising the provisions governing the requirement of prisoners in local facilities for detention to perform labor; revising certain provisions pertaining to the release of prisoners from local facilities for detention; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 304—AN ACT relating to veterans' cemeteries; authorizing the use of the remainder of certain gifts of money and personal property donated for use at veterans’ cemeteries; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Angle, Gustavson, Knecht, Carpenter, and Mortenson:

Assembly Bill No. 305—AN ACT relating to land use planning; providing for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

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

Assembly in recess at 11:35 a.m.

ASSEMBLY IN SESSION

At 11:37 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Angle moved that the action whereby Assembly Bill No. 305 was referred to the Committee on Natural Resources, Agriculture, and Mining be rescinded.

Motion carried.

Assemblywoman Angle moved that Assembly Bill No. 305 be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Andonov, Sherer, Hardy, Chowning, Geddes, Anderson, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Christensen, Claborn, Collins, Conklin, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Weber, and Williams; Senators Raggio, Amodei, Townsend, Care, Wiener, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, and Washington:

Assembly Bill No. 306—AN ACT relating to veterans; authorizing certain veterans' organizations to take possession of the unclaimed bodies of deceased veterans and provide for a military funeral; and providing other matters properly relating thereto.

Assemblyman Andonov moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Leslie, Giunchigliani, Conklin, McClain, Koivisto, Anderson, Atkinson, Chowning, Collins, Horne, Mortenson, and Parks; Senator Wiener:

Assembly Bill No. 307—AN ACT relating to health care; creating the Silver State Commission on Prescription Drugs; prescribing the membership and duties of the Commission; providing for the payment of compensation, per diem allowances and travel expenses for certain members of the Commission; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Concurrent Committees on Elections, Procedures, and Ethics, and Ways and Means.

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 308—AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to adopt regulations providing for an endorsement in the field of educational psychology; prescribing the requirements and qualifications for the endorsement; authorizing an educational psychologist to engage in the private practice of educational psychology in addition to his employment with a school district; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Manendo, Koivisto, McClain, Chowning, Ohrenschall, Anderson, Andonov, Atkinson, Buckley, Christensen, Collins, Conklin, Goicoechea, Goldwater, Grady, Griffin, Hardy, Knecht, Oceguera, Pierce, and Williams:

Assembly Bill No. 309—AN ACT relating to domestic relations; requiring judicial districts in larger counties to establish an educational seminar for separating parents who are parties in domestic relations matters involving children; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall, Claborn, Knecht, Chowning, Manendo, Andonov, Atkinson, Beers, Brown, Buckley, Carpenter, Christensen, Collins, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Hardy, Horne, Koivisto, Leslie, Mabey, McCleary, Mortenson, Oceguera, Parks, Pierce, and Sherer:

Assembly Bill No. 310—AN ACT relating to public employment; increasing the number of days for which certain public officers and employees are entitled to serve under military orders without loss of regular compensation; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 13, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 17.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 17.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblymen Oceguera, Anderson, and Angle.

Resolution adopted unanimously.

Assemblywoman Ohrenschall moved that the action whereby Assembly Bill No. 310 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Ohrenschall moved that Assembly Bill No. 310 be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Knecht, Hettrick, Christensen, Angle, Griffin, Andonov, Atkinson, Beers, Brown, Carpenter, Claborn, Conklin, Geddes, Gibbons, Goicoechea, Grady, Gustavson, Hardy, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Parks, Sherer and Weber; Senators Cegavske, O'Connell, Hardy, Tiffany, Rawson, Amodei, Nolan, Schneider, Shaffer, and Washington:

Assembly Bill No. 311—AN ACT relating to education; requiring the boards of trustees of school districts to provide certain public notice of policies and regulations concerning or affecting homeschooled children; providing that homeschooled children may participate in interscholastic

activities and events under certain circumstances; prescribing the requirements for eligibility and participation of homeschooled children in interscholastic activities and events; revising provisions governing an association formed for the purposes of controlling, supervising and regulating interscholastic events in public schools; requiring boards of trustees of school districts to establish and maintain a separate roster of directory information for homeschooled children; requiring a school district to expend certain money for homeschooled children who receive special education from the school district; and providing other matters properly relating thereto.

Assemblyman Knecht moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Mabey (by request):

Assembly Bill No. 312—AN ACT relating to professions; requiring the issuance of a limited license to practice medicine, dentistry or osteopathic medicine at a health care facility of a governmental entity or a nonprofit organization under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywomen Giunchigliani and Koivisto:

Assembly Bill No. 313—AN ACT relating to health care facilities; requiring certain health care facilities employing nurses to establish a staffing plan and to provide adequate staffing; providing certain minimum ratios for nurse staffing; requiring the keeping of certain records concerning statistics relating to patients and staffing; establishing maximum limits on work hours and providing exceptions to those limits; requiring such a health care facility to establish policies pursuant to which direct care nurses may refuse a work assignment; prohibiting such a health care facility from taking certain actions against employees of the facility under certain circumstances; requiring public disclosure of certain information relating to the staffing plan; providing administrative and criminal penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Geddes, Hardy, Leslie, Andonov, Angle, Atkinson, Christensen, Claborn, Collins, Conklin, Giunchigliani, Goicoechea, Goldwater, Horne, Mabey, Manendo, Oceguera, and Pierce; Senator Townsend:

Assembly Bill No. 314—AN ACT relating to energy; requiring certain public utilities to establish a program for the purchase and installation of

equipment for renewable energy for its residential customers; establishing a program which provides loans to owners of homes and small businesses in this state for the purchase of equipment to reduce and conserve energy; revising the definition of "renewable energy" for the purposes of optional pricing, net metering and establishing a portfolio standard for renewable energy; revising the definition of "net metering system" for the purposes of revising the requirements for generating capacity and customer load of net metering systems; and providing other matters properly relating thereto.

Assemblyman Geddes moved that the bill be referred to the Concurrent Committees on Commerce and Labor and Ways and Means.

Motion carried.

By Assemblymen Koivisto, Chowning, Ohrenschall, McClain, Parks, Anderson, Claborn, Collins, Giunchigliani, Goldwater, Leslie, Manendo, Oceguera, Perkins, Pierce, and Williams:

Assembly Bill No. 315—AN ACT relating to cancer; requiring the State Health Officer to analyze information reported by health facilities concerning cancer; requiring the State Health Officer to analyze trends in such information and assist in facilitating the prevention of cancer; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 36.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Parks, Anderson, Arberry, Chowning, Christensen, Claborn, Collins, Goicoechea, Goldwater, Koivisto, Manendo, McClain, McCleary, Mortenson, Pierce, and Williams:

Assembly Joint Resolution No. 7—Proposing to amend the Nevada Constitution to provide for limited annual legislative sessions.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated section 29A, be added to Article 4 of the Nevada Constitution to read as follows:

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

1. Regular session in an:

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

(b) Even-numbered year not later than midnight 60 calendar days following its commencement. Any legislative action taken after midnight on the 60th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

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

And be it further

Resolved, That Section 1 of Article 4 of the Nevada Constitution be amended to read as follows:

Section 1. 1. The Legislative authority of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of ~~[Nevada" and]~~ *Nevada."*

2. Except as otherwise provided in subsection 3, the sessions of such Legislature shall be held at the seat of government of the State.

3. The regular sessions of such Legislature which occur in even-numbered years shall be held in Las Vegas if the Legislature determines that appropriate facilities are available for such purpose.

And be it further

Resolved, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

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

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

2. The Governor, by proclamation:

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

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

3. The Governor shall submit *:*

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

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

to the Legislature not later than ~~[14]~~ *30* calendar days before the commencement of each regular session.

4. The Legislature may prepare and consider during each regular session:

(a) In odd-numbered years, a proposed executive budget and any proposed appropriations and proposed revisions to the proposed executive budget submitted by the Governor; and

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

And be it further

Resolved, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

~~[Sec.]~~ *Sec. 33.* The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for ~~[not to exceed 60 days]~~ *each calendar day of service* during any regular session of the legislature and ~~[not to exceed 20 days]~~ during any special session convened by the governor; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of ~~[Sixty dollars]~~ *$500* for any general *session* or *$60 for any* special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 9 of Article 5 of the Nevada Constitution be amended to read as follows:

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

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

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

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

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

voters for approval or disapproval of the proposed amendment shall include the amendment made by the legislature.

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

5. If two or more measures which affect the same section of a statute or of the constitution are finally approved pursuant to this section, or an amendment to the constitution is finally so approved and an amendment proposed by the legislature is ratified which affect the same section, by the voters at the same election:

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

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

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

And be it further

RESOLVED, That the explanation prepared pursuant to NRS 218.443 for this constitutional amendment must include a statement that, if the qualified electors of this state approve the constitutional amendment proposed by this resolution:

1. Regular sessions of the Legislature which occur in even-numbered years would be held in Las Vegas if the Legislature determines that appropriate facilities are available for such purpose;

2. Members of the Legislature would be entitled to receive, during each regular annual session and each special session, compensation for each calendar day of service; and

3. The amount of the appropriation that may be made for the payment of certain expenses of members of the Legislature would be increased.

And be it further

RESOLVED, That Section 12 of Article 17 of the Nevada Constitution is hereby repealed.

TEXT OF REPEALED SECTION

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

Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter biennially.

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

Motion carried.

Assemblyman Oceguera moved that THE MEDIA CENTER: Steve Goodin; SENIOR SPECTRUM NEWSPAPER: Connie McCullen, be accepted as accredited press representatives, and that they be assigned space at the press table in the Assembly Chambers and that they be allowed the use of appropriate broadcasting facilities.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 60.

Bill read second time and ordered to third reading.

Assembly Bill No. 133.

Bill read second time and ordered to third reading.

Assembly Bill No. 236.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 74, 89, and 111 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 263; Senate Concurrent Resolution No. 16.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Singer and Bob Wheeler.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Vernon Dalton and Clay Fitch.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Graham Griffin.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Ewell and Paul Diefenbach.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Reenie Griffin, Monet Griffin, and Bennett Griffin.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Harrison Griffin.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Wells.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Samano.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Goldman.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, March 14, 2003, at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTIETH DAY

CARSON CITY (Friday), March 14, 2003

Assembly called to order at 10:42 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Buckley, Brown, Carpenter, and Ohrenschall, who were excused.

Prayer by the Chaplain, Pastor Ken Haskins.

Father of Lights, You are light and in You there is no darkness. Your word is a lamp unto our feet and a light unto our path. Light our path so that we will see clearly the issues before us and perform well the duties demanded of this day. We pray in the Name of the One who is even now the Light of the World.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass

MARK MANENDO, *Chairman*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801

March 4, 2003

THE HONORABLE RICHARD D. PERKINS, *Speaker*, Nevada State Assembly, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER PERKINS:

I'm following the legislative session with great interest. It's apparent that you are facing greater challenges than at any time in my memory. You certainly have your hands full in managing the affairs of the Assembly and the difficult issues you face in addressing the state

budget needs. I do not envy your task, but share your enthusiasm in serving the public in my capacity as a Congresswoman.

I am writing to you today to express my desire to address both Houses of the Legislature this year. It appears that April 15, 2003, is available and I would enjoy the opportunity to share my views on national issues and the challenges that confront us in the Congress. Many of these issues will affect Nevada citizens directly and the perspectives of the members of the Nevada Legislature are paramount to my decision-making.

If you could let my staff know the details regarding my visit and address, I would appreciate it. I look forward to your response and visiting with you in Carson City in April. Please direct any communication to my District Director, Tod Story. He can be reached at 702-220-9823.

Sincerely,

SHELLEY BERKLEY
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 13, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 10, 203; Senate Joint Resolution No. 5.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 10.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 5.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Senate Concurrent Resolution No. 10.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Claborn, Ohrenschall, Collins, Manendo, Koivisto, Anderson, Arberry, Atkinson, Carpenter, Chowning, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Horne, Leslie, Mabey, Marvel, McClain, McCleary, Mortenson, Oceguera, Parks, Perkins, Pierce, and Sherer:

Assembly Bill No. 316—AN ACT relating to construction; requiring an owner of real property to provide security for certain works of improvement for the construction, alteration, addition to or repair of real property; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Brown (by request):

Assembly Bill No. 317—AN ACT relating to liens; revising the provision pertaining to the amount recoverable by a contractor upon a notice of lien; and providing other matters properly relating thereto.

Assemblyman Andonov moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Parks, Leslie, Chowning, Christensen, Claborn, Collins, Conklin, Goicoechea, Goldwater, Grady, Gustavson, Horne, Knecht, Koivisto, Mabey, McClain, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Weber:

Assembly Bill No. 318—AN ACT relating to historical markers; directing the design, fabrication and installation of an historical marker at the gravesite of the first native-Nevadan who served as Governor of Nevada; authorizing the Administrator of the Office of Historic Preservation of the Department of Cultural Affairs to accept and expend gifts and donations for this purpose; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

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

Assembly in recess at 10:50 a.m.

ASSEMBLY IN SESSION

At 10:51 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Anderson, Parks, Chowning, Claborn, Collins, Conklin, Goicoechea, Grady, Horne, Koivisto, Leslie, Mabey, McClain, Mortenson, Oceguera, Perkins, Pierce, and Sherer:

Assembly Bill No. 319—AN ACT relating to common-interest communities; providing for the transient commercial use of one or more units within a planned community that are restricted to residential use in larger counties under certain circumstances; authorizing the executive board of a master association of certain common-interest communities to reallocate certain costs; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 320—AN ACT relating to malpractice; requiring insurers and defendants to attend certain settlement conferences; providing for certain defendants in malpractice actions to receive specified information and independent counsel; requiring insurers to pay certain judgments in excess of policy limits; setting forth circumstances in which an insurer is deemed to have acted in bad faith; prohibiting certain organizations from charging a fee for including the name of a provider of health care on a panel of providers of health care under certain circumstances; requiring a contract with a provider of health care to include a schedule setting forth the payments required to be made to the provider of health care pursuant to the contract under certain circumstances; prohibiting a contract with a provider of health care from including various provisions relating to amendments to the terms of the contract; requiring the development and use of a uniform form for obtaining information regarding the credentials of providers of health care for the purposes of contracts; expanding the scope of certain deceptive trade practices to include health maintenance organizations; expanding the scope of statutorily defined unfair practices to include certain actions by managed care organizations; requiring revocation of the authority of certain insuring entities for failure to timely pay approved claims; authorizing intervention in certain insurance ratemaking proceedings; requiring the Commissioner of Insurance to disapprove a proposed increase in rates for malpractice insurance under certain circumstances; prescribing procedures for withdrawal of certain insurers from the malpractice insurance market in this state; requiring disclosure of reasons for certain underwriting decisions; limiting rates and premiums and proposed increases in rates and premiums for certain malpractice insurance; requiring certain policies of health insurance and health care plans to provide coverage for continued medical treatment by a provider of health care under certain circumstances; revising the circumstances under which the Commissioner of Insurance may suspend or revoke a certificate of authority issued to a health maintenance organization; requiring certain public organizations that provide health insurance to provide coverage for continued medical treatment by a provider of health care under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 10:54 a.m.

ASSEMBLY IN SESSION

At 10:55 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Leslie and Geddes:

Assembly Bill No. 321—AN ACT relating to mining; limiting the types of surety that may be filed for a permit to engage in an exploration project or mining operation; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Perkins, Ohrenschall, Goldwater, Gibbons, Koivisto, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Parks, Pierce, Sherer, Weber, and Williams:

Assembly Bill No. 322—AN ACT relating to public services for children; creating the Statewide Alert System for the Safe Return of Abducted Children; creating the Committee for the Statewide Alert System; prescribing the membership and duties of the Committee; prescribing the circumstances under which a law enforcement agency may activate the System; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen McClain, Parks, Chowning, Koivisto, Gibbons, Anderson, Arberry, Atkinson, Claborn, Collins, Conklin, Giunchigliani, Hardy, Horne, Manendo, Mortenson, Ohrenschall, and Pierce:

Assembly Bill No. 323—AN ACT relating to health care; requiring institutional long-term care provided by Medicaid to persons with dementia to be provided within this state; requiring employees of facilities for long-term care to receive education in the care of persons with Alzheimer's disease; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Griffin, Claborn, Knecht, Brown, Andonov, Angle, Arberry, Beers, Christensen, Conklin, Geddes, Goicoechea, Grady, Gustavson, Hardy, Hettrick, Horne, Leslie, Mabey, Marvel, McCleary, Mortenson, Parks, Sherer, and Weber:

Assembly Bill No. 324—AN ACT relating to the Department of Motor Vehicles; revising provisions governing the frequency of renewal of the registration of certain vehicles and the frequency of renewal of certain drivers' licenses; and providing other matters properly relating thereto.

Assemblyman Griffin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Buckley, Conklin, Koivisto, Parks, Leslie, Anderson, Arberry, Atkinson, Claborn, Collins, Giunchigliani, Grady, Horne, Mabey, Manendo, McClain, Perkins, Pierce, Sherer, Weber, and Williams:

Assembly Bill No. 325—AN ACT relating to motor vehicles; imposing certain restrictions and requirements upon the transfer and titling of vehicles that have sustained certain damages; requiring certain notices and disclosures regarding such vehicles; imposing civil liability and providing criminal penalties for certain violations relating thereto; revising certain provisions governing the registration or licensure of garagemen and body shops; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Buckley, Conklin, McClain, Koivisto, Parks, Anderson, Arberry, Atkinson, Claborn, Collins, Geddes, Gibbons, Giunchigliani, Grady, Horne, Leslie, Mabey, Manendo, Oceguera, Perkins, Pierce, Sherer, and Williams:

Assembly Bill No. 326—AN ACT relating to assisted living; providing for the licensing and regulation of facilities for assisted living; providing that certain provisions concerning services provided to aging persons apply to residents of facilities for assisted living; providing that certain provisions concerning property tax assessments for senior citizens apply to residents of facilities for assisted living; authorizing employees of facilities for assisted living to possess and administer controlled substances and dangerous drugs under certain circumstances; providing for the licensure of administrators of facilities for assisted living; providing penalties; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Chowning, Parks, Ohrenschall, McCleary, McClain, Arberry, Atkinson, Beers, Carpenter, Claborn, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Hardy, Horne, Leslie, Manendo, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Williams:

Assembly Bill No. 327—AN ACT relating to education; making an appropriation to the Clark County School District for support of its adult

family literacy project, Success Through English Program (STEP); making an appropriation to the University and Community College System of Nevada for support of the Southern and Northern Nevada Writing Projects; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Chowning, Ohrenschall, Knecht, Giunchigliani, McClain, Atkinson, Carpenter, Christensen, Claborn, Conklin, Geddes, Goicoechea, Grady, Gustavson, Hardy, Horne, Leslie, Manendo, Mortenson, Oceguera, Parks, Perkins, Pierce, and Williams:

Assembly Bill No. 328—AN ACT relating to fireworks; requiring the Secretary of State to provide for the submission to the voters of an advisory question of whether the Legislature shall direct the State Fire Marshal to regulate the sale and use of fireworks; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Chowning, Ohrenschall, McCleary, Arberry, Atkinson, Carpenter, Claborn, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Hardy, Horne, Leslie, Manendo, McClain, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Williams:

Assembly Bill No. 329—AN ACT relating to deceptive trade practices; prohibiting a seller of travel, tour broker or tour operator from paying a fee, commission or other compensation to an employee of a hotel under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Chowning, Ohrenschall, Arberry, Atkinson, Carpenter, Christensen, Claborn, Conklin, Geddes, Goicoechea, Goldwater, Grady, Leslie, Manendo, McClain, Mortenson, Oceguera, Perkins, Pierce, Sherer, and Williams (by request):

Assembly Bill No. 330—AN ACT relating to administration of public personnel; requiring complaints alleging misconduct of certain public officers and employees to be in writing and verified; requiring information concerning an internal investigation of a peace officer to be expunged after a certain period; making certain statements of a peace officer during an interrogation or hearing inadmissible in a subsequent action or administrative proceeding; making various changes concerning the documentation and review of files concerning an internal investigation of a peace officer;

making various changes concerning the interrogation and hearing conducted during an internal investigation of a peace officer; authorizing certain peace officers who provide information in connection with the internal investigation of another officer to request representation by a lawyer during any phase of an interrogation or hearing; providing civil penalties and other damages to be imposed against a law enforcement agency for violating certain provisions governing employment practices; providing that the limitation on damages for public entities does not apply to actions brought against a law enforcement agency under certain circumstances; providing that review panels may not subpoena certain peace officers in certain circumstances; repealing the provision that makes it a crime to file a false complaint concerning a peace officer; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:02 a.m.

ASSEMBLY IN SESSION

At 11:03 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblyman McCleary (by request):

Assembly Bill No. 331—AN ACT relating to protective orders; providing specific authorization for the parent or guardian of a child to obtain restraining orders and injunctions on behalf of the child; providing for the issuance and enforcement of temporary and extended orders to restrict the conduct of a person who is alleged to have committed certain crimes; providing justices' courts with jurisdiction over proceedings to obtain such temporary or extended orders; and providing other matters properly relating thereto.

Assemblyman McCleary moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Arberry, Giunchigliani, Anderson, Manendo, Parks, Andonov, Atkinson, Beers, Buckley, Chowning, Claborn, Collins, Conklin, Gibbons, Goldwater, Horne, Koivisto, Mabey, McClain, Mortenson, Oceguera, Ohrenschall, Perkins, and Williams; Senator Carlton:

Assembly Bill No. 332—AN ACT relating to service animals; prohibiting certain acts concerning service animals; providing criminal and civil liability

for violations; requiring the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to adopt regulations requiring the licensing of persons who train service animals; requiring the establishment of a reasonable fee for the issuance of such a license; revising certain provisions governing service animals; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen Arberry, Chowning, Parks, Horne, Koivisto, Anderson, Atkinson, Claborn, Giunchigliani, Goldwater, Hardy, Mabey, Manendo, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, and Williams:

Assembly Bill No. 333—AN ACT making an appropriation to the University of Nevada School of Medicine for expenses relating to a study to determine whether there is sufficient demand for a heart transplant facility in Southern Nevada; making an appropriation to the Interim Finance Committee for allocation to the University of Nevada School of Medicine for the establishment and operation of the heart transplant facility that is contingent upon the results of the study; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Gibbons, Angle, Knecht, Andonov, Christensen, Claborn, Collins, Geddes, Grady, Griffin, Gustavson, Hardy, Koivisto, McCleary, Mortenson, and Weber; Senator Mathews:

Assembly Bill No. 334—AN ACT relating to the State Engineer; revising provisions regarding the issuance of a permit to appropriate or change the point of diversion of water for a well; authorizing the State Engineer to require mitigation of unreasonable adverse effects on existing domestic wells under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Manendo, Horne, Parks, McCleary, Conklin, Andonov, Arberry, Atkinson, Carpenter, Chowning, Christensen, Claborn, Collins, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Gustavson, Hardy, Knecht, Koivisto, Leslie, McClain, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, Weber, and Williams:

Assembly Bill No. 335—AN ACT relating to traffic laws; increasing the penalty for evading a peace officer when evading the peace officer results in

death or substantial bodily harm to another person; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Manendo, McClain, Koivisto, Parks, McCleary, Anderson, Andonov, Arberry, Atkinson, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Hardy, Horne, Knecht, Leslie, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, Weber, and Williams:

Assembly Bill No. 336—AN ACT relating to criminal procedure; revising the provisions regarding notification of victims of a crime if the defendant is released before or during a trial; providing that a victim can request information concerning the release of the defendant by telephone in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Giunchigliani, Arberry, Parks, McClain, Leslie, Anderson, Atkinson, Conklin, Horne, Manendo, Oceguera, and Williams:

Assembly Bill No. 337—AN ACT relating to criminal history; providing for the automatic restoration of the civil rights of a person who is honorably discharged from probation or parole, or pardoned or released from prison after serving his sentence; providing for the automatic restoration of the civil rights of a person whose records of conviction are sealed; removing the authority of the State Gaming Control Board and Nevada Gaming Commission to inspect certain sealed records concerning convictions; limiting the persons who are required to register as convicted persons; prohibiting a law enforcement agency from requiring a convicted person to carry a registration card; revising the provisions governing the employment of certain convicted felons; revising the provisions governing the certification and licensure of certain convicted felons in certain professions and occupations; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 10.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 203.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that KUVR Channel 68: Adolfo Segura, Dulce Alvarez, and Jose Sandoval, be accepted as accredited press representatives, and that they be assigned space at the press table in the Assembly Chambers and that they be allowed the use of appropriate broadcasting facilities.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 82.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Collins moved that Assembly Bills Nos. 91 and 130 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 148.

Bill read second time and ordered to third reading.

Assembly Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 36.

Amend section 1, page 1, by deleting lines 4 through 10 and inserting: "*shall not use any information included in the consumer credit report of an applicant or policyholder as a basis for determining:*

(a) Whether to issue, cancel or renew a policy;

(b) The amount of the premium for a policy; or

(c) Eligibility for any plan for making payments with regard to a policy.".

Amend section 1, page 2, by deleting line 1 and inserting:

"*3. The provisions of this section must be liberally construed to protect applicants and policyholders by preventing the use of consumer credit reports in making determinations as set forth in subsection 1.*

4. As used in this section, "consumer credit report" means any".

Amend section 1, page 2, by deleting lines 4 and 5 and inserting: "*capacity or a credit transaction of a person; and*".

Amend section 1, page 2, by deleting lines 7 and 8 and inserting: "*a basis for a determination set forth in subsection 1.*".

Amend the title of the bill to read as follows:

"AN ACT relating to insurance; prohibiting an insurer from using information included in the consumer credit report of an applicant or policyholder as a basis for making certain determinations regarding policies of insurance; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits insurer from using information included in consumer credit report of applicant or policyholder for certain purposes. (BDR 57-1114)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 252.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 60, 73, 74, 89, 111, 133, and 236 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jared Craig and Erica Netcher.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Dane Hand.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Ronica Chavez and Jamii Hass.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Shannon Brown and Stefanie Stevens.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Graham Griffin and Donald Thompson.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Vogel and Rachel Kuhn.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Akins and Amanda Fliablias.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Henry, Jimmy Ayala, Michael Belardes, Dana Dietrich, Brittnee Dolley, Parker Hames, Nicole Hobbs, Joseph Kloos, Sean Lee, Cassandra Luce, Kelsey Raw, Matthew Reider, Alexis Sabatoni, Kelsie Smith, Sarah Souza, Margaret Tanner, Madison Walbom, Amanda Walker, Alyssa Watson, Mason Webb, Sara Willard, Michael Williams, William Wulftange, Tabitha Zawchenuk, Pat Dwyer, Zachary Barrett, Thomas Beatty, Trevor Black, Sean Brija, Derek Brown, Sarah Cady, Kaylie Hardy, Laurence Holmes, Steven Holmes, Camille Jorcin, Katherine Kindorf, Scott Klintworth, Lucas Larson, Paris Madau, Wade Mason, Ciara O'Driscoll, Connor O'Driscoll, Chelsea Pellissier, Brett Rowan, Haley Schuveiller, Morgan Taylor, Michelle Wells, Joy Wilson, Jenny Miles, Heather Ahnlund, Kathryn Boden, Emily Burns, Gerry Drew, Holly Garvin, Timothy Hires, Dylan Jacobe, Garrick Johnson, Eric Lischinksy, Marissa Lucido, Vance Mills, Meagan Moore, Frances Mortensen, Kaitlyn Panos, Maximillian Pitts, Meghan Prause, Danielle Sisco, Lee St. John, Maxwell Thom, Charis White, Alex Whitlock, James Wisecarver, Steven Beatty, Buckley Carlson, Alex Copenhaver, Jagger Garcia Tous, Trent Hensley-Bee, Eric Johnson, Heather Karchefski, Lindsey Lofstrand, Martin Mabrey, Timothy MacFarlane, Brandon Mamola, Jonathan Miller, William Morgan, Stephanie Moss, Erika Nielsen, Crystal Scheiber, Hailee Seward, Sandi Sosa, Hannah Stigall, Himeko Sugaya, Jared Tyler, Erica Utzat, and Jeremy Young.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Misty Mangum and Jodie Scribner.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Monet Griffin, Reenie Griffin, Bennett Griffin, and Ian Knight.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Chandni Karia and Melanie Hutchings.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jake Baker and Courtney Kemp.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Harrison Griffin.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Annamarie Theuret.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Alyssa Knight and Angela Lighty.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Lopeman and Jamie Westlake.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Brandin Sellers.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Charlie Mann.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Marissa Dolfin.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Deena Hamlin and Jessica Oheson.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 17, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:22 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 17, 2003

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

Proverb 14: The naïve inherit folly: but the prudent are crowned with knowledge. The evil will bow down before the good; and the wicked at the gates of the righteous. Lord God Almighty, things are not as simple as found in Your word; we have made them more complex. What used to be as simple as saying, "You shall not murder," nowadays becomes a debate. We therefore humbly ask that You would give divine help through Your infinite wisdom to this Assembly as decisions are made today. We also pray for President Bush and all those guiding him in the monumental choices regarding safety throughout the world and the preservation of the freedoms we so cherish. In the mighty Name of the Lord.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 140, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 14, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 213.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 18.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 135.

Bill read second time and ordered to third reading.

Assembly Bill No. 147.

Bill read second time and ordered to third reading.

Assembly Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 48.

Amend section 1, page 2, by deleting lines 7 through 9 and inserting: Department of Administration;

(b) Two persons who are employed by the University and Community College System of Nevada; and

(c) One student who is currently enrolled in an institution within the University and Community College System of Nevada.".

Amend sec. 2, page 2, by deleting lines 31 through 33 and inserting:

"1. Examine and evaluate the need in this state for existing and potential higher education programs to ensure economic progress and development within the State of Nevada and to ensure that the educational needs of its residents are being met;".

Amend sec. 2, page 2, line 38, after "resources" by inserting "within institutions".

Amend sec. 2, page 2, line 39, by deleting "and".

Amend sec. 2, page 2, by deleting line 43 and inserting: "Nevada; and

5. Recommend to the Board of Regents and the Legislature such action as may be needed for the efficient and effective operation of higher education in Nevada if the State is to progress economically and socially.".

Amend sec. 7, page 3, line 18, after "to the" by inserting: "Board of Regents, Legislative Committee on Education and".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 216.

Bill read second time and ordered to third reading.

Assembly Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 42.

Amend section 1, page 1, line 3, after "*1*." by inserting: "*The board of trustees of each school district shall adopt a master plan to provide for the progressive discipline of pupils enrolled in the school district and the on-site review of disciplinary decisions. The master plan must:*

(a) Include a provision for the withholding of a portion of the salary or other compensation of a principal pursuant to subsection 6; and

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

2. The board of trustees of each school district shall submit a copy of the master plan to the Superintendent of Public Instruction.

3.".

Amend section 1, page 1, line 7, after "teachers" by inserting: "*and support personnel*".

Amend section 1, page 2, by deleting lines 3 through 30 and inserting:

"*(e) Comply with the master plan adopted pursuant to subsection 1 by the board of trustees of the school district in which the school is located.*

4. After the input and participation of teachers, support personnel, and parents and guardians of pupils is received pursuant to paragraph (a) of subsection 3, the principal and the teachers and support personnel who are employed at the school shall adopt the plan without any further review except as required by subsection 5.

5. On or before October 1 of each year, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and support personnel, if necessary;

(c) Post a copy of the plan or the revised plan, as applicable, in a prominent place at the school for public inspection and otherwise make the plan available for public inspection at the administrative office of the school; and

(d) Submit a copy of the plan or the revised plan, as applicable, to the superintendent of schools of the school district.

6. If a principal fails to submit a copy of the plan or the revised plan, as applicable, pursuant to subsection 5 on or before October 1, the board of trustees of the school district shall withhold a portion of his salary or other compensation, as determined by the board of trustees in accordance with the master plan adopted pursuant to subsection 1, for each day after October 1 during which the school's plan is not submitted to the superintendent of schools. The board of trustees shall set aside and maintain separately the portion of the principal's salary or other compensation that is withheld until such time as the principal submits the plan or the revised plan, as applicable, to the superintendent of schools. If the principal of the school submits the plan or the revised plan, as applicable, to the superintendent of schools, the

board of trustees shall immediately pay to the principal the salary or other compensation that was withheld.

7. On or before November 1 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:

(a) A compilation of the plans submitted pursuant to this section by each school within the school district.

(b) The name of each principal, if any, who has not complied with the reporting requirements of this section.

8. On or before November 30 of each year, the board of trustees of each school district shall submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to subsection 7 that reports the progress of each school within the district in complying with the requirements of this section.

9. On or before December 31 of each year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau concerning the progress of the schools and school districts throughout this state in complying with this section. If the report is submitted during:

(a) An even-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the next regular session of the Legislature.

(b) An odd-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the Legislative Committee on Education.".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. The *master plan of a board of trustees and the* plan *of a school* established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom if, in the judgment of the teacher, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn. The *master plan of a board of trustees and the* plan *of a school* must provide that, upon the removal of a pupil from a classroom pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom pursuant to this section must be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. On or before September 1, 2003, the board of trustees of each school district shall adopt a master plan pursuant to section 1 of this act.".

Amend the title of the bill to read as follows:

"AN ACT relating to education; requiring the board of trustees of each school district to adopt a master plan for the progressive discipline of pupils and on-site review of disciplinary decisions; revising provisions governing the plan required of each public school for the progressive discipline of pupils and on-site review of disciplinary decisions; providing that the salary of a principal must be withheld if the principal does not submit a plan within the time prescribed; specifying the terms of certain members on a committee to review the temporary alternative placement of pupils; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 224.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblyman Anderson.

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

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Horne and Ohrenschall.

Roll call on Assembly Bill No. 60:

YEAS—23.

NAYS—19—Anderson, Arberry, Atkinson, Claborn, Conklin, Geddes, Giunchigliani, Goldwater, Horne, Koivisto, Leslie, Manendo, McCleary, Mortenson, Ohrenschall, Parks, Pierce, Sherer, Williams.

Assembly Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hardy, Beers, Mabey, Sherer, Knecht, Andonov, Angle, Christensen, Collins, Geddes, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Marvel, and Weber; Senators McGinness and Washington:

Assembly Bill No. 338—AN ACT relating to attorneys; requiring the Supreme Court of Nevada to adopt rules which require that before undertaking representation of a client for the purposes of commencing litigation, an attorney must ensure that the client is adequately informed about litigation; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Collins:

Assembly Bill No. 339—AN ACT relating to taxation; increasing the tax on the privilege of conducting business in this state; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Hettrick; Senators Amodei and McGinness:

Assembly Bill No. 340—AN ACT making an appropriation to Douglas County for the support of programs that are designed to prevent suicide; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Oceguera, Anderson, Parks, Conklin, Gibbons, Atkinson, Chowning, Giunchigliani, Goldwater, Horne, Leslie, McCleary, Mortenson, Pierce, and Williams:

Assembly Bill No. 341—AN ACT relating to civil actions; effectuating a specific and limited waiver of the immunity of the State under the Eleventh Amendment to the United States Constitution with regard to certain federal laws regulating employment practices; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Mortenson, Parks, Hettrick, Giunchigliani, and Collins:

Assembly Bill No. 342—AN ACT relating to taxation; requiring a transient lodging establishment to obtain a license from the Department of Taxation; imposing an occupancy tax on the rental of a room or space in such an establishment; providing penalties; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Carpenter (by request):

Assembly Bill No. 343—AN ACT relating to sellers of travel; requiring a seller of travel to include his registration number in his advertising; requiring a seller of travel to maintain a trust account for money received for the purchase of travel services; revising the definition of "seller of travel"; requiring the Division to mail to a seller of travel an application for the renewal of his certificate before the expiration of his current certificate; allowing a seller of travel to comply with certain financial security requirements by maintaining a specified policy of insurance; providing an exclusion from certain financial security requirements; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 344—AN ACT relating to elections; providing for a special election to fill a vacancy in the office of Representative in Congress in the event of certain catastrophes; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 345—AN ACT relating to public schools; requiring the boards of trustees of school districts to make the libraries in public high schools open to the general public during certain times that are not regular school hours; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Carpenter (by request):

Assembly Bill No. 346—AN ACT relating to taxation; authorizing the operation or maintenance of heavy-duty equipment on a highway in this state using dyed special fuel under certain circumstances; revising the circumstances under which special mobile equipment may be operated or maintained on a highway in this state using dyed special fuel; authorizing the operation and maintenance of farm equipment on a controlled-access highway using dyed special fuel; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Geddes:

Assembly Bill No. 347—AN ACT relating to civil actions; providing in skeleton form for immunity from civil liability to certain persons who furnish or otherwise assist an occupational licensing board in an investigation and to certain persons who file complaints with such a board; providing complete sovereign immunity to occupational licensing boards in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Geddes moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Geddes moved that the action whereby Assembly Bill No. 347 was referred to the Committee on Commerce and Labor be rescinded.

Motion carried.

Assemblyman Geddes moved that Assembly Bill No. 347 be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 348—AN ACT relating to property taxes; revising the provisions governing the development of certain factors used in the determination of the taxable value of improvements to real property; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Ohrenschall, Claborn, and Buckley:

Assembly Bill No. 349—AN ACT relating to older persons; requiring training and education in geriatrics and gerontology as a condition for licensing certain health care professionals and for persons who work in long-term care facilities; removing the limitation on the number of hearings that the Nevada Silver Haired Legislative Forum may hold; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall and Claborn:

Assembly Bill No. 350—AN ACT relating to facilities for the dependent; prohibiting the State Board of Health from requiring a residential facility for groups which provides care only to older patients to purchase or maintain a policy of liability insurance; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall and Claborn:

Assembly Bill No. 351—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for medicines and medical devices that are ordered for senior citizens by providers of health care and sold over the counter, without a prescription; contingently providing the same exemption from certain analogous taxes; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Ohrenschall, Claborn, and Buckley:

Assembly Bill No. 352—AN ACT relating to mobile homes; revising provisions relating to the sale of an older mobile home; requiring a disclosure by the owner that the older mobile home does not meet certain standards required by statute or ordinance at the time of sale; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 353—AN ACT relating to the University and Community College System of Nevada; prohibiting a university, university foundation or community college from using certain personally identifiable information contained in the education records of a student or former student or the employment records of an employee or former employee without the written consent of the student, former student, employee or former employee; requiring the System to provide certain informational seminars to the Board of Regents of the University of Nevada; providing in skeleton form for a reduction in the size of the Board of Regents; providing for a term of office of 4 years for each member of the Board of Regents; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 354—AN ACT relating to employees of a school district; prescribing a time by which hearings must be commenced for licensed and unlicensed employees of a school district; providing that employees must not be required to seek alternative employment and mitigate damages during the pendency of proceedings; requiring an administrator to provide notice to an employee of a complaint against the employee by a parent or pupil; revising provisions governing the contents of a notice of admonition issued to a licensed employee; revising provisions governing the selection of hearing officers and conduct of hearings for licensed employees; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 355—AN ACT relating to aeronautics; requiring the board of county commissioners of certain larger counties to designate a preferred airport or other preferred facility for the takeoff and landing of certain commercial helicopters; establishing a program for the exemption

from personal property taxation of certain commercial helicopters that use the designated preferred airport or other preferred facility; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 73:

YEAS—42.

NAYS—None.

Assembly Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 74:

YEAS—41.

NAYS—None.

NOT VOTING—Geddes.

Assembly Bill No. 74 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 82.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 82:

YEAS—42.

NAYS—None.

Assembly Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 89.

Bill read third time.

Remarks by Assemblymen Leslie and Hettrick.

Roll call on Assembly Bill No. 89:

YEAS—31.

NAYS—Angle, Carpenter, Christensen, Grady, Gustavson, Hettrick, Knecht, Mabey, Marvel, Sherer—10.

NOT VOTING—Anderson.

Assembly Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 111.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 111:

YEAS—42.

NAYS—None.

Assembly Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 133.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 133:

YEAS—42.

NAYS—None.

Assembly Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.

Assembly Bill No. 148.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 148:

YEAS—42.

NAYS—None.

Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblymen Leslie, Knecht, Ohrenschall, Hardy, Conklin, Goldwater, and Beers.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblyman Hardy.

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

ASSEMBLYWOMAN LESLIE:

Thank you, Mr. Speaker. This bill prohibits an insurer from using information included in the consumer credit report of an applicant or policyholder as a basis for making certain determinations regarding policies of insurance. Specifically, an insurer may not use information from a consumer credit report as a basis for issuing, canceling, or renewing a policy of insurance; determining the amount of premium a policyholder must pay; or for determining a policyholder's eligibility for a payment plan.

The number of insurance companies using credit reports to evaluate personal insurance coverage has grown at an alarming rate. Yet, the justification for the growing dependency on credit ratings is vague, at best. It may well be the catalyst for completely changing the basis for calculating insurance risks. Insurers can deny, cancel, or not renew a policy based on a person's credit history regardless of whether he or she is a good driver. The practice goes even deeper. The amount of money charged for the same amount of coverage varies based on credit issues. Insurers seem to be married to the concept, because they can predict who is least likely to make an insurance claim. By targeting financially sound individuals, they can increase their profitability. But should insurance coverage only benefit those who will not use it? Are we allowing insurers to condition policyholders to avoid making claims for services they have already paid for? The standards for setting rates in Nevada center around three basic themes: rates may not be excessive; they may not be inadequate; and they may not be unfairly discriminatory.

I've read volumes—trust me—of information on this subject. I do feel this practice steps over the line and is unfairly discriminatory. AB 194 tips the scales back to factors that directly relate to insurance coverage. Insurance companies have the ability through other sources to identify risks and set adequate and equitable rates. Our citizens will be relieved of the worry that their private financial matters are not used inappropriately. Ask yourself, if this is such a good idea, why it is that so many independent insurance agents are against credit scoring? If they wanted to underwrite more business, wouldn't they endorse this practice? These agents often have access to inside trade secrets information that we do not. They are still against the practice. Why? I did review one of the secret formulas recently used by a major insurance company by its representative. On the list of 25 or so factors, each of which are weighed equally, were the items "self-initiated inquiry." If I call up to check on the accuracy of my credit report, that counts equally against me just as the number of accidents I've had, the distance I drive to work, or other driving-related risk factors. This representative could not tell me how many inquiries I would have to make before this occurred. One? Two? Twelve? Twenty? We don't know. Until the insurance companies agree to share their secret formulas or tell consumers how many credit cards are too many or how many times you can check your credit report, your own credit report, without it negatively affecting your premium, I would believe we should ban this practice of credit scoring to protect all the citizens of Nevada. Thank you, Mr. Speaker.

ASSEMBLYMAN KNECHT:

Thank you, Mr. Speaker. In view of the press of time today, I will offer a short version of my prepared remarks.

When AB 194 came before the Commerce and Labor Committee, four colleagues and I voted "no," asking for more time to study this measure. Mr. Speaker, we have now received and reviewed the additional information on which we were waiting and it fully validates our reservations at the time of the committee vote and compels us to maintain our "no" votes. A couple of years ago, the state of Maryland passed a bill that outlawed the use of credit scores for setting insurance rates and terms, as AB 194 would do in Nevada. As a result of this kind of legislation in Maryland, rates there rose 15.7 percent in 2002, while national rates, which were not affected by such a bill, increased only 9 percent. In sum, the evidence shows that AB 194 will burden Nevada consumers with increased rates, poorer service and less consumer choice. It well may concentrate these bad effects on the low-income people least able to bear those burdens.

Finally, Mr. Speaker, there are good reasons to allow insurers to use consumer credit scores in setting insurance rates and terms. Credit scores reflect people's history of paying their bills on time and otherwise managing their affairs prudently—habits that are correlated with low insurance risk, as vast amounts of research conclusively demonstrate. Barring the use of credit scores is thus unfair to the vast majority of Nevadans who show they are low-risk customers through their responsible daily behavior. Mr. Speaker, I will vote no because this measure is detrimental to the vast majority of our constituents and to the public interest. Thank you.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I vote in support of this bill. I studied it at great length. I listened to everything that my colleague from the north, who helped get the bill through committee, said

before. We've talked about it. I have talked with people from southern Nevada. The reason I am going to vote in favor of the bill is that I feel that looking at consumer credit rating as a way to determine what insurance they can buy, how much they will pay for it, or if they can buy any at all is, in fact, a blatant form of socioeconomic profiling and stereotyping. That particular practice has been attacked throughout the country as a violation of 14th Amendment equal protection. We need to have people be able to get insurance because, in many cases, particularly automobile insurance, it is required. If you do not have automobile insurance, you can't drive a car. If you can't drive a car, you can't go to work. If you can't go to work, you can't support the family. You would end up at the door of welfare if you can do none of these things. Nevada, I think, is too open-minded and clear-sighted a state to settle for indirect profiling and stereotyping. I encourage this whole Body to vote for this bill.

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker. I would like to disclose that my son-in-law is a State Farm agent, though not in this state. I will not receive any benefit for or against this bill. I did have the opportunity in making that disclosure some months ago, talking peripherally, about insurance issues, and we talked about this concept of credit score being a risk factor for determining insurance rates and premiums. Insurers have people called actuaries who predict risk and they base their premiums on the risk such as a 16-year-old driver who is perhaps more risky than someone else, such as a smoker. When we look at the concept of credit score, we are concerned about the person who is using, in a "riskier way," the opportunity of using credit. That risk-taking behavior is shared in other areas of a person's life. I, too, have read volumes and looked at those in perhaps a different view than my colleague from northern Nevada. I would suggest that the credit score use protects those who have not been at a higher risk, and therefore their premiums can be lowered. What would happen if their risk or their premiums are not lowered is that their premiums will float upwards to cover the risk of the society as a whole. I would not be in favor of this particular bill. Thank you, Mr. Speaker.

ASSEMBLYMAN CONKLIN:

Thank you, Mr. Speaker. I rise in support of this bill. I would like to point out a couple of issues that have not been addressed yet. There was a lady at the hearing on the bill, an insurance agent, that spoke of one of her clients who has an income of $250,000 a year. He paid cash for a $600,000 home. He owns three cars, all of which are quite expensive—a Range Rover, a Mercedes, and some other car I can't remember. His insurance went up in the last term from $500 to $900. The only reason his insurance went up was 66 inquiries on his credit. His insurance rates doubled. Where is the equity involved in that? Is this man more likely to get into an accident because he manages his money and he pays cash for things? He had $2,100 on credit and makes $250,000 annually. The problem is we have people like my colleague from District No. 10, who is "dead," and has an increased insurance rate. The fact of the matter is that our credit reports are not correct. There are four or five different agencies out there, all with different scores. Your insurance rates are changing because of a report that is most likely inaccurate. That is problem number one. Problem number two, and I must respectfully disagree with my colleague from the north, is that there are many factors involved in rates. If our rates are going to go up across the board as a result of not allowing credit scoring, then we must ask what kind of integrity does the insurance industry have. Crashes do not increase as a result of credit scoring. We will have the same number of crashes next year as we did this year, unrelated to credit scoring altogether. I think these things are important to consider when you make a vote on this case. Thank you very much.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. I rise is support of AB 194. I appreciate the eloquent objection of the opponents of this bill. However, I would remind this Body of the function of insurance and the function of our regulatory oversight. Does it affect the cost of premium? Maybe; we aren't sure. Is it the sole contributing factor to an increase in premium in Maryland? We are not sure. Insurance companies need as many tools at their disposal to make ratings because it is important to get an accurate actuarial assessment of the situation and the risk they are about to underwrite. This state has made a promise to its people, in its regulatory oversight of insurance premium

writing and underwriting, that we will watch how insurance companies underwrite your premium.

There are some factors that are worth looking at and are very telling of the accurate way of predicting insurance risk. The color of your skin is a very good way of pointing out a particular risk factor. But is it okay to use the color of your skin when you underwrite a policy? This state has said, no, it is not okay. It may be a tool, but it is not okay. Is where you live an indicator of how to underwrite premium? Yes. Does the state do that? We have said, as a policy decision, no, it is not okay, not if you want to write insurance in this state. What AB 194 says is can something that is arbitrary, not perfect, certainly prone to error, and is used for a number of other factors, be used. Can a credit report, which people accrued information on and which affects every action in their day, be used as an underwriting tool to help predict premium? That is what you are saying. I feel the answer, the right public policy for this state is to say no, you can't. It is not the right thing to do. In the end, do you want to say to the insurance companies, here is a tool to help you with underwriting a person's risk? Or do you want to say to the people, we are going to protect you, as originally promised, and insurance policies will be underwritten in the proper manner. This state is going to look out for you. It is a question of whether or not you want to look out for insurance companies or you want to look out for the people whom you represent.

ASSEMBLYMAN BEERS:

Thank you, Mr. Speaker. My colleague from District 10 did a fine job outlining one of the potential philosophies this Body could adopt in deliberating this bill. To me it is pragmatic. Only one state, Maryland, has done this, and there everyone's insurance rates, as an aggregate, went up about 75 percent more than the national rate of increase. In my mind, prohibiting insurance companies from giving discounts for a good credit rating is going to cost all Nevadans money. Therefore, I am voting no.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

With the permission of the Body, the Chair would like to ask the last speaker if there were any other insurance scoring tools that were used by the state of Maryland that were not used in the state of Nevada?

ASSEMBLYMAN BEERS:

Thank you, Mr. Speaker. As far as the other items that my colleague from District 10 listed that we prohibit, I am not sure I understand the question.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I am looking for other potential causes for Maryland's increase in premiums.

ASSEMBLYMAN BEERS:

I saw an article in the Baltimore Sun, Mr. Speaker, that had their insurance commissioner speculating that was the cause.

Roll call on Assembly Bill No. 194:

YEAS—26.

NAYS—Andonov, Angle, Beers, Brown, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—16.

Assembly Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 236:

YEAS—42.

NAYS—None.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 252:

YEAS—42.

NAYS—None.

Assembly Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed.

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

Assembly in recess at 12:24 p.m.

ASSEMBLY IN SESSION

At 12:42 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Buckley, Carpenter, Claborn, Conklin, and Geddes:

Assembly Joint Resolution No. 8—Proposing to amend the Nevada Constitution to authorize the reassessment of real property for taxation purposes upon the transfer of its ownership and, under certain circumstances, upon its conversion to another use.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. ~~[The]~~ *Except as otherwise provided in subsection 11, the* legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in section 5 of this article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the state.

10. The legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

11. The legislature may, by law, require:

(a) The assessed value of real property to be redetermined for taxation purposes upon the sale or other transfer of ownership of that property. If such a provision is enacted, the legislature may require any depreciation and obsolescence accumulated during the previous ownership to be excluded from the reassessed value of the property.

(b) The assessed value of residential real property that is converted to another use to be redetermined for taxation purposes after the conversion in accordance with the new use of the property.

Assemblyman Anderson moved that the resolution be referred to the Concurrent Committees on Taxation and Constitutional Amendments.

Motion carried.

Senate Concurrent Resolution No. 18.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Giunchigliani:

Assembly Bill No. 356—AN ACT relating to labor; increasing the minimum wage that must be paid to certain employees in private employment; requiring annual adjustment by the Labor Commissioner of the minimum wage under certain circumstances; requiring the Department of Employment, Training and Rehabilitation to perform certain calculations with respect to the cost of living for working families within the State; revising provisions relating to the eligibility of certain new and expanded businesses for certain tax abatements; imposing certain requirements relating to the provision of family health care to the employees and dependents of certain larger grocery stores; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 357—AN ACT relating to electricians; requiring the Division of Industrial Relations of the Department of Business and Industry to establish minimum standards for the education, training and certification of electricians; authorizing the Division to establish a schedule of fees for the certification of electricians; prohibiting a person from working as an electrician unless he holds a certificate as an electrician issued by the Division; prohibiting the State Contractors' Board from issuing a license to, or renewing the license of, an electrician who does not hold a certificate as an electrician issued by the Division; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 358—AN ACT relating to motor vehicles; providing for the design, preparation and issuance of special license plates by petition to the Department of Motor Vehicles; imposing a fee for the issuance and renewal of such license plates; providing in certain circumstances for the withdrawal from use of a particular design of such license plates; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Angle, Knecht, Andonov, Brown, Carpenter, Goicoechea, Gustavson, Manendo, Marvel, Mortenson, Sherer, and Weber; Senators Neal, Nolan, Shaffer, and Washington:

Assembly Bill No. 359—AN ACT relating to motor vehicles; revising provisions regarding certain fleets to authorize the use of certain additives for motor vehicle fuel; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 360—AN ACT relating to the Legislators' Retirement System; revising the provisions governing the retirement of Legislators; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 361—AN ACT relating to local governmental finances; requiring local governments that acquire certain public utilities or expand certain facilities for utility service to make certain payments or provide certain compensation in lieu of taxes and franchise fees; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Giunchigliani, Anderson, and Conklin:

Assembly Bill No. 362—AN ACT relating to traffic laws; revising provisions relating to driving or being in actual physical control of a vehicle while under the influence of certain controlled substances; revising provisions relating to operating or being in actual physical control of a vessel while under the influence of certain controlled substances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Grady and Collins; Senator Amodei:

Assembly Bill No. 363—AN ACT relating to special districts; providing in skeleton form for the creation of the Silver Springs Water and Sewer District in Lyon County, Nevada; providing for the storage, conservation, distribution and sale of water within the District; authorizing the District to purchase, acquire and construct the facilities necessary to provide water and sewer service to customers within the District; authorizing the issuance of general obligation and revenue bonds; providing the power to tax; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 364—AN ACT relating to taxes on motor vehicle fuels; authorizing cities and counties to impose an additional tax on motor vehicle fuel; prescribing the authorized uses of the revenue from the tax; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Buckley, Horne, Conklin, Ohrenschall, Anderson, Carpenter, Claborn, Mortenson, and Oceguera (by request):

Assembly Bill No. 365—AN ACT relating to guardianship; making various changes to provisions regarding guardianship; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Chowning:

Assembly Bill No. 366—AN ACT relating to taxation; providing an exemption from the governmental services tax for vehicles registered by a resident of Nevada who is on full-time active duty in the Armed Forces of the United States and required to live in another state; authorizing such a person to waive his exemption and designate any additional amount to be credited to the Veterans' Home Account established in the State General Fund; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Chowning (by request):

Assembly Bill No. 367—AN ACT relating to motor vehicles; expanding the definition of "rebuilt vehicle" for the purposes of licensing and registration of motor vehicles; authorizing an insured to select a body shop for repairs to a motor vehicle; prohibiting an insurer from interfering with that selection; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 368—AN ACT making an appropriation to Douglas County for the construction of an emergency well at the China Springs Youth Camp; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Grady, Atkinson, Collins, Goicoechea, Knecht, McCleary, Pierce, Sherer, and Williams:

Assembly Bill No. 369—AN ACT relating to trade practices; requiring a supplier of certain equipment and machinery to repurchase the equipment and machinery from a dealer to whom it was sold under certain circumstances; providing for the payment of claims for reimbursement for work performed by such a dealer under a warranty; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hettrick (by request):

Assembly Bill No. 370—AN ACT relating to motor vehicles; providing for the issuance of special license plates for the support of the Kid's Fishing Derby; providing for the design, preparation and issuance of special license plates by petition to the Department of Motor Vehicles; limiting the number of different designs of special license plates that the Department may issue by petition; providing in certain circumstances for withdrawal from use of a particular design of special license plates issued by petition; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Collins, Gibbons, Carpenter, Horne, Grady, Atkinson, Claborn, Goicoechea, Hardy, Koivisto, Manendo, McCleary, Pierce, Weber, and Williams (by request):

Assembly Bill No. 371—AN ACT relating to state land; requiring the State Land Registrar to convey certain land to the Nevada FFA Foundation; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture, and Mining and Ways and Means.

Motion carried.

By Assemblymen Marvel, Collins, Sherer, Brown, Geddes, Goicoechea, Grady, and Hettrick:

Assembly Bill No. 372—AN ACT relating to wildlife; requiring a person who develops or operates a renewable energy generation project to obtain a permit from the Division of Wildlife of the State Department of Conservation and Natural Resources under certain circumstances; authorizing the Board of Wildlife Commissioners to establish a fee for the permit; requiring the holder of the permit to pay an assessment to the Division; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Marvel, Sherer, Hettrick, Geddes, Goicoechea, and Grady:

Assembly Bill No. 373—AN ACT relating to limitation of actions; limiting the period during which certain actions may be commenced or claims may be made relating to constructional defects; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Goicoechea, Knecht, Carpenter, Collins, Geddes, Grady, Hardy, Koivisto, Marvel, McCleary, Pierce, and Weber:

Assembly Bill No. 374—AN ACT relating to taxation; imposing an additional tax on special fuel to support the repair and restoration of local roads; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Beers and Mabey; Senators Nolan and Rawson:

Assembly Bill No. 375—AN ACT relating to the Legislature; making minor revisions to two districts from which certain members of the Assembly of the Nevada Legislature are elected; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Beers and Mabey; Senators Nolan and Rawson:

Assembly Bill No. 376—AN ACT relating to common-interest communities; revising the requirements to amend the declaration of a common-interest community; revising the requirements for rejection of the budget of an association; revising the requirements for the posting of a notice

of a meeting of the executive board of a common-interest community association; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 12:59 p.m.

ASSEMBLY IN SESSION

At 1:09 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 232 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 162 just reported out of committee, be placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Parks, Leslie, Conklin, McClain, Ohrenschall, Anderson, Arberry, Atkinson, Buckley, Giunchigliani, Goldwater, Koivisto, Manendo, Perkins, and Pierce:

Assembly Bill No. 377—AN ACT making an appropriation to Classroom on Wheels for the purchase of two buses to provide mobile school services for homeless children in Clark County; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Leslie, Conklin, Koivisto, Ohrenschall, Atkinson, Buckley, McClain, and McCleary:

Assembly Bill No. 378—AN ACT relating to protection of children; authorizing agencies which provide child welfare services to apply to the Compact Council of the National Crime Prevention and Privacy Compact for terminal access to the Interstate Identification Index for records of criminal history in accordance with the requirements of the Compact Council; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Gustavson, Angle, Gibbons, and Marvel:

Assembly Bill No. 379—AN ACT relating to land use planning; requiring a super-majority vote for the approval of certain decisions relating to land use planning in certain counties; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gustavson, Angle, Gibbons, Marvel, and Grady:

Assembly Bill No. 380—AN ACT relating to land use planning; abolishing the requirements relating to spheres of influence in regional planning in certain counties; revising the manner in which the governing board for regional planning may take action on certain appeals concerning projects of regional significance; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Leslie, Koivisto, Parks, Ohrenschall, Atkinson, Buckley, Conklin, Geddes, and McClain:

Assembly Bill No. 381—AN ACT relating to protection of children; revising the provisions governing the purpose, membership and procedure of a multidisciplinary team to review the death of a child; increasing the fee for a certificate of death to support the reviews; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Leslie, Anderson, Parks, Geddes, Conklin, Atkinson, Chowning, McClain, and McCleary:

Assembly Bill No. 382—AN ACT relating to education; requiring the Board of Regents of the University of Nevada to establish an Institute for Latino Research and Advocacy; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen McClain, Koivisto, Giunchigliani, Leslie, Gibbons, Arberry, Buckley, Chowning, Claborn, Manendo, Ohrenschall, Pierce, and Weber:

Assembly Bill No. 383—AN ACT making an appropriation to the University of Nevada, Las Vegas, for allocation to the Women's Research Institute of Nevada for support of the National Education for Women's Leadership Program; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Koivisto, McClain, Ohrenschall, Parks, Anderson, Christensen, Claborn, Leslie, and Pierce:

Assembly Bill No. 384—AN ACT relating to public welfare; making in skeleton form various changes concerning the provision of prescription drugs by the Department of Human Resources; creating the Pharmacy and Therapeutics Committee within the Department; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Koivisto, Ohrenschall, Parks, Anderson, Christensen, Claborn, Leslie, McClain, and Pierce:

Assembly Bill No. 385—AN ACT relating to minors; making various changes concerning civil actions involving physical acts committed against incapacitated minors; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Koivisto, McClain, Ohrenschall, Anderson, Christensen, Claborn, Leslie, Parks, and Pierce:

Assembly Bill No. 386—AN ACT relating to product safety for children; requiring the State Board of Health to create a list of unsafe children's products; prohibiting the use of such products in child care facilities; prohibiting the sale or lease of such products in this state; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goldwater, Buckley, Perkins, and Griffin:

Assembly Bill No. 387—AN ACT relating to taxation; reducing the annual amount of the basic governmental services tax; decreasing the rate of reimbursement for the collection of certain sales and use taxes; eliminating

the exemption from certain sales and use taxes for a used vehicle taken in trade on the purchase of another vehicle; increasing the real property transfer tax, mandatory taxes on transient lodging and certain state gaming license fees; eliminating the credit against the insurance premium tax for maintaining a home office or regional office in this state; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to repeal the exemption from the taxes imposed by the act on the gross receipts from the sale and storage, use or other consumption of tangible property which becomes an ingredient or component part of certain newspapers and any such newspapers; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Koivisto, Pierce, McClain, Parks, Ohrenschall, Anderson, Christensen, Claborn, and Giunchigliani (by request):

Assembly Bill No. 388—AN ACT relating to public employees; authorizing one or more local government employers and employee organizations to establish a trust fund to provide health and welfare benefits to participating employees and their dependents; establishing requirements for the administration of the trust; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Claborn, Ohrenschall, Pierce, Koivisto, Parks, Anderson, Atkinson, Buckley, Carpenter, Chowning, Christensen, Conklin, Goldwater, Leslie, Manendo, McClain, McCleary, Mortenson, and Sherer:

Assembly Bill No. 389—AN ACT relating to thrift companies; prohibiting a person from acquiring control of a thrift company unless the person is engaged only in the activities permitted for a financial holding company pursuant to federal law or under certain circumstances is a credit union; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Parks, Manendo, Arberry, Buckley, Chowning, Goldwater, Griffin, Horne, Leslie, McClain, McCleary, and Pierce (by request):

Assembly Bill No. 390—AN ACT relating to real property; prohibiting a governing body from requiring an owner of property that includes or abuts a public right-of-way to maintain any unimproved portion of, or to maintain, reconstruct or repair certain improvements in, the public right-of-way;

providing that such prohibition does not preclude the imposition of certain assessments and charges that are otherwise authorized by law; providing certain limitations on civil liability with respect to owners of property whose property abuts a public right-of-way; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 391—AN ACT making an appropriation to the Continuing Education Division of the Community College of Southern Nevada for expenses relating to the relocation of the Professional Driving Center and the operation of the Continuing Education Division; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblyman Arberry:

Assembly Bill No. 392—AN ACT relating to state employees; increasing the amount of longevity payments to state employees; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Goldwater:

Assembly Bill No. 393—AN ACT relating to public works; providing that the contract price for a public work may be increased or decreased during the term of the contract as a result of change orders; prohibiting a public body from making a deduction from the contract price or withholding payment from contractors in excess of retainage in certain circumstances; revising the provisions prescribing the amount that may be withheld from the progress payments made to contractors on public works; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Goldwater and Chowning:

Assembly Bill No. 394—AN ACT relating to traffic laws; revising the provisions governing the removal by a police officer of a vehicle or part of a vehicle from a highway to a garage or other place of safekeeping; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Goldwater:

Assembly Bill No. 395—AN ACT relating to public welfare; providing for an assessment of a fee on facilities for intermediate care and facilities for skilled nursing; requiring the Division of Health Care Financing and Policy of the Department of Human Resources to administer the provisions concerning the assessment; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Williams, Manendo, Arberry, Giunchigliani, Koivisto, Anderson, Atkinson, Collins, Conklin, Goldwater, Grady, Horne, Leslie, McCleary, Oceguera, Parks, Perkins, Pierce, and Sherer:

Assembly Bill No. 396—AN ACT relating to public schools; requiring the Clark County School District to continue its pilot program for the replacement of certain schools; authorizing the Clark County School District to use a certain amount of money from its Fund for Capital Projects to finance the replacement of schools designated for its pilot program; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Horne, Conklin, Sherer, Leslie, Chowning, Andonov, Arberry, Atkinson, Beers, Buckley, Carpenter, Christensen, Claborn, Collins, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Koivisto, Mabey, Manendo, McClain, McCleary, Mortenson, Oceguera, Parks, Perkins, Pierce, and Williams; Senators Neal, Titus, Wiener, Cegavske, O'Connell, Carlton, Coffin, Mathews, McGinness, Nolan, and Tiffany:

Assembly Bill No. 397—AN ACT relating to eminent domain; prohibiting penalties from being imposed upon a person for rejecting an offer of judgment and proceeding to trial in actions concerning eminent domain regardless of the outcome of the trial; repealing the provision limiting the allowance and apportionment of costs in proceedings concerning eminent domain; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Geddes, Hettrick, Hardy, Beers, Knecht, Anderson, Andonov, Arberry, Buckley, Carpenter, Chowning, Christensen, Collins, Conklin, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Horne, Koivisto, Leslie, Mabey, Manendo, Marvel, Mortenson, Parks, Perkins, Pierce, Sherer, and Weber; Senators Townsend and Amodei:

Assembly Bill No. 398—AN ACT relating to purchasing; revising the procedures pursuant to which certain performance contracts for the installation or purchase of cost-savings energy measures in buildings occupied by state and local governmental entities are bid; providing the types and terms of such performance contracts; providing limitations on such performance contracts entered into by state agencies; and providing other matters properly relating thereto.

Assemblyman Geddes moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Arberry, Buckley, Williams, and Anderson:

Assembly Bill No. 399—AN ACT relating to housing; making an appropriation to the Housing Division of the Department of Business and Industry to provide grants of money to nonprofit organizations to provide financial counseling to certain persons; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Gibbons, Anderson, Christensen, Collins, Geddes, and Mabey (by request):

Assembly Bill No. 400—AN ACT relating to public records; authorizing certain persons to have personal information contained in the records of a county assessor kept confidential; authorizing a county assessor to create a program for the disclosure of confidential information for certain purposes; providing penalties for disclosing certain information about certain persons that is contained in a list of registered voters; prohibiting the disclosure of certain records of the Department of Motor Vehicles for journalistic purposes; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hardy, Grady, Brown, Andonov, Beers, Christensen, Geddes, Gibbons, Goicoechea, Griffin, Gustavson, Hettrick, Mabey, McClain, and Weber:

Assembly Bill No. 401—AN ACT relating to public works; providing in skeleton form for the authorization by a public body or the Department of

Transportation of a private entity to acquire, construct, improve, maintain or operate, or any combination thereof, a transportation facility; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Sherer, Knecht, Brown, Collins, Conklin, Geddes, Hettrick, Koivisto, and Marvel:

Assembly Bill No. 402—AN ACT relating to health care; revising the requirements concerning the approval by the Director of the Department of Human Resources of certain construction projects on behalf of a health facility; and providing other matters properly relating thereto.

Assemblyman Sherer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Sherer, Knecht, Brown, Collins, Conklin, Hettrick, and Marvel:

Assembly Bill No. 403—AN ACT relating to water; providing that forfeiture of certain water rights is tolled if the Governor declares a drought; requiring the Governor to declare a drought under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sherer moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Hardy, Gibbons, Geddes, Andonov, Beers, Christensen, Conklin, Goicoechea, Grady, Griffin, Hettrick, Koivisto, Mabey, Manendo, Pierce, and Weber:

Assembly Bill No. 404—AN ACT relating to access to health care; making appropriations to increase access to obstetrical and gynecological services; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Hardy, Knecht, Andonov, Grady, Brown, Beers, Christensen, Collins, Conklin, Geddes, Gibbons, Goicoechea, Griffin, Gustavson, Hettrick, Koivisto, Mabey, McClain, McCleary, Oceguera, Pierce, and Weber:

Assembly Bill No. 405—AN ACT relating to veterans' cemeteries; revising the provisions governing financial support for the veterans' cemeteries; authorizing the employment of personnel to operate the cemeteries from money in the Account for Veterans' Affairs that was not

provided by appropriation; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hardy, Gibbons, Andonov, Beers, Brown, Christensen, Collins, Conklin, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Knecht, Koivisto, Mabey, Manendo, McClain, Pierce, and Weber:

Assembly Bill No. 406—AN ACT relating to public safety; requiring the Department of Motor Vehicles to suspend or revoke the driver's license of a person with epilepsy under certain circumstances; requiring physicians to inform certain patients with epilepsy of the dangers of operating a motor vehicle; abolishing the related duty of physicians to report certain patient information; providing that certain statements maintained by physicians concerning patients with epilepsy are not subject to the doctor-patient privilege if furnished to the Department of Motor Vehicles under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 213.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 360 was referred to the Committee on Elections, Procedures, and Ethics be rescinded.

Motion carried.

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

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 392 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

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

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 403 was referred to the Committee on Natural Resources, Agriculture, and Mining be rescinded.

Motion carried.

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

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 374 was referred to the Committee on Taxation be rescinded.

Motion carried.

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

Motion carried.

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

Assembly in recess at 1:37 p.m.

ASSEMBLY IN SESSION

At 1:43 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley moved that the Assembly recess until 5:15 p.m.

Motion carried.

Assembly in recess at 1:44 p.m.

ASSEMBLY IN SESSION

At 5:23 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hardy, Collins, Knecht, Brown, Mabey, Andonov, Beers, Christensen, Conklin, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hettrick, Koivisto, Manendo, McClain, Oceguera, Pierce, and Weber:

Assembly Bill No. 407—AN ACT relating to public schools; authorizing the boards of trustees of school districts to grant the use of public school libraries to the general public; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Griffin and Hettrick:

Assembly Bill No. 408—AN ACT relating to the display of the flag of the United States; providing that the governing body of a local government may not take any action to prohibit an owner of real property from engaging in the

display of the flag on his property; providing that covenants, restrictions and conditions relating to real property are void and unenforceable to the extent that they prohibit an owner of real property from engaging in the display of the flag on his property; providing that executive boards of common-interest communities and landlords may not prohibit a unit's owner or tenant, as applicable, from engaging in the display of the flag within that portion of the common-interest community, premises or manufactured home lot that the unit's owner or tenant has a right to occupy and use exclusively; providing for the payment to a prevailing party of reasonable attorney's fees and costs incurred to pursue certain legal actions; and providing other matters properly relating thereto.

Assemblyman Griffin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Sherer, Knecht, Brown, Collins, Conklin, Geddes, Giunchigliani, Hettrick, and Marvel:

Assembly Bill No. 409—AN ACT relating to public bodies; authorizing public bodies to provide certain notice of meetings and other information by electronic mail; and providing other matters properly relating thereto.

Assemblyman Sherer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Sherer, Knecht, Brown, Conklin, Geddes, Giunchigliani, Hettrick, and Marvel:

Assembly Bill No. 410—AN ACT relating to elections; requiring, for purposes of registering to vote in this state, that a person who maintains a residence in another state must agree to forfeit his residency in the other state for voting purposes; authorizing certain new residents of this state to vote for all federal offices and statewide offices; providing that the residency requirements for qualification as a voter in elections include an intent to remain a resident; revising the requirements concerning the contents of certain applications to register to vote; requiring, under certain circumstances, the county clerk of a county within this state to which an elector moves to send a cancellation notice to certain persons in the county, whether located within or without this state, in which the elector was last registered to vote; and providing other matters properly relating thereto.

Assemblyman Sherer moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Angle, Gustavson, Beers, Gibbons, Griffin, Hardy, Hettrick, Mabey, and Marvel:

Assembly Bill No. 411—AN ACT relating to education; requiring the State Board of Education to prescribe a program of reading instruction for

elementary schools; requiring the boards of trustees of school districts and the governing bodies of certain charter schools to carry out the program of reading instruction and to administer certain assessments under certain circumstances; requiring the regional training programs for the professional development of teachers and administrators to provide training in reading instruction; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen McClain, Koivisto, Giunchigliani, Angle, Beers, Goicoechea, Griffin, Hettrick, Knecht, Manendo, and McCleary:

Assembly Bill No. 412—AN ACT relating to candidates for office; increasing the period of residency required to qualify as a candidate for certain offices; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Knecht, Hettrick, Brown, Beers, Angle, Andonov, Carpenter, Christensen, Claborn, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Mabey, Marvel, Parks, Sherer, and Weber:

Assembly Bill No. 413—AN ACT relating to state financial administration; requiring the Governor to submit with the budget his proposed recommendations for reductions, if required, in the budget; requiring that adopted regulations include a statement of the net benefit to the State from the adoption of the regulation; requiring the Interim Finance Committee to study the process of preparing and analyzing the budget to ensure effective fiscal management of the State; and providing other matters properly relating thereto.

Assemblyman Knecht moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Knecht, Hettrick, Brown, Beers, Angle, Andonov, Arberry, Carpenter, Christensen, Claborn, Conklin, Geddes, Gibbons, Goicoechea, Grady, Griffin, Hardy, Marvel, McClain, McCleary, Mortenson, Sherer, and Weber:

Assembly Bill No. 414—AN ACT relating to traffic laws; authorizing the use of a single center lane when making a left-hand turn onto a highway; and providing other matters properly relating thereto.

Assemblyman Knecht moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Knecht, Hettrick, Brown, Beers, Angle, Andonov, Arberry, Carpenter, Christensen, Claborn, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Mabey, Marvel, McCleary, Mortenson, Parks, Sherer, and Weber:

Assembly Bill No. 415—AN ACT relating to state revenue; authorizing the State Treasurer to enter into certain contracts involving state property or state emblems to generate revenue for the State; directing the Governor to appoint a committee to study potential uses of the authority granted to the State Treasurer and the feasibility of issuing bullion coins; and providing other matters properly relating thereto.

Assemblyman Knecht moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Angle, Gustavson, Knecht, Andonov, Brown, Christensen, Goicoechea, Hardy, and Sherer:

Assembly Bill No. 416—AN ACT relating to vehicle emissions; providing for the biennial inspection and testing of emissions of certain motor vehicles; requiring the State Environmental Commission to provide a waiver from emissions testing for certain motor vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Atkinson, Buckley, Horne, Parks, Ohrenschall, Claborn, Collins, Goicoechea, Knecht, Koivisto, Leslie, Manendo, Oceguera, Pierce, and Williams:

Assembly Bill No. 417—AN ACT relating to motor vehicles; establishing procedures for claims against bonds and deposits of dealers, distributors, manufacturers, rebuilders, representatives and salesmen licensed by the Department of Motor Vehicles; giving claims filed by consumers priority over other claims; providing under certain circumstances for payment of claims on a pro rata basis; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 418—AN ACT relating to the State Public Works Board: requiring the State Public Works Board to contract with a private business for the management of certain construction and major repairs of projects of the Board; and providing other matters properly relating thereto.

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

Assembly in recess at 5:30 p.m.

ASSEMBLY IN SESSION

At 5:32 p.m.
Mr. Speaker presiding.
Quorum present.

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

By Assemblymen Pierce, Ohrenschall, Manendo, Parks, Koivisto, Anderson, Arberry, Atkinson, Buckley, Chowning, Collins, Conklin, Geddes, Goicoechea, Goldwater, Grady, Horne, Leslie, McClain, McCleary, Mortenson, Oceguera, Sherer, and Weber:

Assembly Bill No. 419—AN ACT relating to property; providing that a landlord of dwelling units intended and operated for persons 55 years of age and older may not employ a person to perform work on the premises unless the person has a work card issued by the sheriff of the county; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

By Assemblymen Weber, Knecht, Christensen, Grady, Hardy, Hettrick, McClain, Pierce, and Williams:

Assembly Bill No. 420—AN ACT relating to secondhand dealers; requiring a county or city to require a person who engages in the business of a secondhand dealer to obtain a license as a secondhand dealer; authorizing a county or city to impose fines for certain violations committed by a secondhand dealer; prohibiting a secondhand dealer from removing or otherwise disposing of property in his possession which is involved in a criminal investigation under certain circumstances; authorizing a peace officer to obtain custody of such property under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 421—AN ACT relating to elections; requiring that candidates for certain nonpartisan offices who are unopposed be declared elected to office; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Beers, Gibbons, Goicoechea, Hardy, and McClain:

Assembly Bill No. 422—AN ACT relating to time; exempting the State of Nevada from the provisions of the federal law requiring daylight saving time; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Hettrick, Knecht, Gustavson, Beers, Gibbons, Anderson, Andonov, Angle, Arberry, Atkinson, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Horne, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams:

Assembly Bill No. 423—AN ACT relating to weapons; authorizing the manufacture of switchblade knifes in this state under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Geddes (by request):

Assembly Bill No. 424—AN ACT relating to public works and state purchasing; providing in skeleton form for the revision of certain provisions relating to public works and state purchasing; and providing other matters properly relating thereto.

Assemblyman Geddes moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

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

Assembly in recess at 5:35 p.m.

ASSEMBLY IN SESSION

At 5:37 p.m.

Mr. Speaker presiding.

Quorum present.

By Assemblyman Parks:

Assembly Bill No. 425—AN ACT relating to public works; providing for a hearing for unsuccessful bidders; revising the exemption of contracts

necessary to contend with certain emergencies from the requirements relating to contracts for public works; authorizing a public body to require a person who is found to have failed to pay the prevailing wage to pay the costs incurred by the public body for its investigation; requiring a governing body to adopt certain criteria regarding the past performance of a contractor in the qualification of bidders on public works; revising certain provisions regarding advertising for bids; removing certain provisions regarding the maintenance of lists of licensed contractors by public bodies for bidding on certain contracts; revising provisions governing the naming of subcontractors; requiring an authorized representative to make certain reports to public bodies regarding certain contracts; revising certain provisions regarding objections to the award of a certificate of eligibility for a preference in bidding; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hettrick, Marvel, Gustavson, Griffin, Beers, Andonov, Brown, Goicoechea, Grady, Hardy, Knecht, Mabey, and Sherer:

Assembly Bill No. 426—AN ACT relating to education; requiring school districts to reimburse the University and Community College System of Nevada for the cost of required remedial education for certain graduates of high schools in the district; creating the School Accountability Trust Fund; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Hettrick, Knecht, Gibbons, Angle, Beers, Brown, Grady, Hardy, Mabey, Marvel, Sherer, and Weber:

Assembly Bill No. 427—AN ACT relating to land use planning; prohibiting a governmental entity from requiring that a person dedicate land, an easement, a right-of-way or any other thing of value as a condition precedent to the approval or granting of certain land use permits; setting forth certain exceptions; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hettrick, Knecht, Angle, Beers, Brown, Goicoechea, Grady, Griffin, Gustavson, Hardy, Mabey, Marvel, Sherer, and Weber:

Assembly Bill No. 428—AN ACT relating to land use planning; providing that certain findings must be included within or otherwise accompany the adoption or amendment by the governing body of a county or city of a master plan or part thereof; imposing related requirements with respect to city and county initiatives and referenda; requiring a city or county to hold a public

meeting for presentation of such findings with respect to such initiatives and referenda; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hettrick, Hardy, Geddes, Knecht, Beers, Brown, Goicoechea, Grady, Griffin, Gustavson, Mabey, Marvel, and Sherer:

Assembly Bill No. 429—AN ACT relating to energy; making various changes relating to net metering and renewable energy; authorizing the Director of the Office of Energy within the Office of the Governor to develop a program to distribute money in the form of grants, incentives or rebates to pay or defray the costs for persons to acquire, install or improve net metering systems; revising provisions governing the regulation of net metering; revising the definition of renewable energy to include waterpower for the purposes of the portfolio standard for renewable energy for certain providers of electric service and for net metering and optional pricing; transferring money from the Public Utilities Commission Regulatory Fund to the Office of Energy; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 430—AN ACT relating to public welfare; prohibiting the Department of Human Resources from taking certain actions to restrict access to prescription drugs for mental illness provided pursuant to Medicaid; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 431—AN ACT relating to energy; requiring the licensure of solar energy system installers; requiring the Division of Industrial Relations of the Department of Business and Industry to adopt regulations regarding the licensure of such installers; requiring the Public Utilities Commission of Nevada to adopt a system of renewable energy credits; providing for the establishment of the Solar Energy Systems Demonstration Program; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Brown, Knecht, Hardy, Andonov, Goicoechea, Grady, Hettrick, Marvel, and Sherer:

Assembly Bill No. 432—AN ACT relating to public works; revising the provisions governing the penalty for the failure of a contractor or subcontractor engaged on a public work to report each workman employed on the public work to the public body that awarded the contract; prohibiting a contractor on a public work from withholding certain money from a subcontractor under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Brown moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Brown, Buckley, Marvel, and Sherer:

Assembly Bill No. 433—AN ACT relating to financial services; providing that a person may rescind a deferred deposit transaction under certain circumstances; providing that a person may redeem a check presented pursuant to a deferred deposit transaction under certain circumstances; defining the term "check" to include certain electronic transfers; limiting the number of fees a person may be charged pursuant to a deferred deposit transaction under certain circumstances; revising the disclosures that must be provided in an agreement for a deferred deposit; prohibiting registrants and collection agencies from engaging in certain business practices; limiting the applicability of certain remedies for unpaid checks; and providing other matters properly relating thereto.

Assemblyman Brown moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Angle, Gustavson, Knecht, Andonov, Brown, Christensen, Goicoechea, Hardy, and Sherer:

Assembly Bill No. 434—AN ACT relating to motor vehicle dealers; requiring the Department of Motor Vehicles to authorize new vehicle dealers to issue certificates of registration, license plates and decals for new vehicles sold by the new vehicle dealers; requiring the Department to adopt certain regulations; requiring the Department to waive certain requirements concerning the signatures of natural persons under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Gustavson, Angle, Knecht, Brown, Chowning, Goicoechea, Grady, and Hettrick; Senator Nolan (by request):

Assembly Bill No. 435—AN ACT relating to children; requiring a court that issues or modifies an order awarding custody of a minor child to issue a

parenting plan in conjunction with its order; establishing certain requirements for the contents of parenting plans; requiring parenting plans to establish the rights and responsibilities of parents with sufficient particularity to ensure that the rights and responsibilities can be properly enforced; authorizing parents to submit proposed parenting plans; requiring judges to consider the best interest of the child in determining the content of parenting plans; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Gustavson, Angle, Beers, Brown, Chowning, Claborn, Grady, and Weber; Senator Nolan:

Assembly Bill No. 436—AN ACT relating to elections; providing for the appointment of committees to prepare arguments for and against, and rebuttals for, certain statewide ballot questions; requiring sample ballots to include the names of the persons, organizations or governmental entities that assisted in writing condensations, explanations, arguments and rebuttals for ballot questions; revising the provisions relating to county and municipal ballot questions in certain counties and cities; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Christensen, Knecht, Claborn, Ohrenschall, Koivisto, Anderson, Andonov, Angle, Atkinson, Beers, Brown, Carpenter, Chowning, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Horne, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Townsend, Rawson, Rhoads, and Washington (by request):

Assembly Bill No. 437—AN ACT relating to taxation; revising the definition of "supplier" for the purposes of the tax on and the sale of liquor; and providing other matters properly relating thereto.

Assemblyman Christensen moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Christensen, Knecht, Ohrenschall, Andonov, Koivisto, Anderson, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Chowning, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Horne, Leslie, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Townsend, Rawson, and Washington:

Assembly Bill No. 438—AN ACT relating to industrial insurance; requiring certain periodic increases in the amount of compensation to which a claimant or a dependent of a claimant is entitled to receive for a permanent total disability under industrial insurance; and providing other matters properly relating thereto.

Assemblyman Christensen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Christensen, Knecht, Ohrenschall, Beers, Conklin, Anderson, Andonov, Angle, Arberry, Brown, Carpenter, Chowning, Collins, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Koivisto, Mabey, Manendo, Marvel, Mortenson, Oceguera, Parks, Perkins, Sherer, Weber, and Williams; Senators Townsend, Rawson, Rhoads, and Washington:

Assembly Bill No. 439—AN ACT relating to business; requiring a defaulting business entity that wants to reinstate its right to transact business in this state to file with the Secretary of State a certificate of acceptance of appointment signed by its resident agent; changing the exclusive remedy by which a judgment creditor of a member of a limited-liability company or a limited partnership may satisfy a judgment; allowing a limited partnership to register as a limited-liability limited partnership; increasing certain fees and establishing new fees; providing that certain changes do not constitute a change in the appointment of a resident agent; repealing the requirement that a foreign corporation publish its annual statement; providing for the issuance of an order to cease and desist for failure to comply with certain provisions pertaining to business licenses; making various other changes to provisions pertaining to business entities; and providing other matters properly relating thereto.

Assemblyman Christensen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Williams, Arberry, Leslie, Horne, Ohrenschall, Andonov, Angle, Atkinson, Brown, Buckley, Carpenter, Chowning, Claborn, Collins, Gibbons, Goicoechea, Goldwater, Griffin, Hardy, Koivisto, Manendo, McClain, McCleary, Mortenson, and Oceguera:

Assembly Bill No. 440—AN ACT making an appropriation to the Welfare Division of the Department of Human Resources for a statewide training program by the Nevada Network Against Domestic Violence; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 416 was referred to the Committee on Transportation be rescinded.

Motion carried.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 424 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 162.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 43.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. 1. The Legislative Auditor shall conduct a performance audit of the school districts in this state with more than 5,000 enrolled students. The performance audit must include issues relating to operational accountability, including, without limitation:

(a) Financial management;

(b) Facilities management;

(c) Personnel management;

(d) District organization;

(e) Employee health plans;

(f) Transportation;

(g) Alignment of the organization with the needs and expectations of the public;

(h) Training and development of management staff;

(i) Establishment of benchmarks for productivity and performance; and

(j) Examination of unusual or dramatic changes in specific budgetary line items, including, without limitation, legal expenses.

2. The Legislative Auditor shall prepare a final written report for the audit conducted pursuant to subsection 1 and present the report to the Audit Subcommittee of the Legislative Commission not later than February 7, 2005.

3. To the extent that the provisions of NRS 218.737 to 218.890, inclusive, are consistent with the requirements of this section, those

provisions apply to the audit conducted pursuant to this section. For the purposes of this subsection, the Clark County School District, Washoe County School District, Carson City School District, Douglas County School District, Elko County School District, Lyon County School District and Nye County School District shall be deemed to be agencies of the State.

4. Upon the request of the Legislative Auditor or his authorized representative, the officers and employees of the Clark County School District, Washoe County School District, Carson City School District, Douglas County School District, Elko County School District, Lyon County School District and Nye County School District shall make available to the Legislative Auditor any of their books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, which the Legislative Auditor deems necessary to conduct the audits required by this section.

Sec. 2. 1. The Board of Trustees of the Clark County School District, Washoe County School District, Carson City School District, Douglas County School District, Elko County School District, Lyon County School District and Nye County School District shall, on or before February 15, 2005, give public notice of its intention to form a Business Advisory Council on or before May 15, 2005. Each Board of Trustees shall accept nominations and applications for membership on the Business Advisory Council during the period from March 1 to March 31, 2005.

2. On or before May 15, 2005, each Board of Trustees shall, form a Business Advisory Council. The Board of Trustees shall, from the nominations and applications received, select the members of its Business Advisory Council, appoint the members to terms of 2 years, designate a Chair and Vice-Chair from among the members, and designate an employee of the school district to serve as secretary for the Business Advisory Council. The members of the Council shall serve without salary or reimbursement for per diem or travel expenses.

3. The Council shall comply with the provisions of chapter 241 of NRS.

4. The meetings of each such Business Advisory Council must be held at a location within the respective school district and at the date and time determined by the Chair. In no event may the Chair set a meeting of the Council during regular school hours within the school district. Each such Business Advisory Council shall:

(a) Review the results of the performance audit conducted by the Legislative Auditor pursuant to section 1 of this act, particularly in regards to the school district for which the Council has been appointed.

(b) Work with the appropriate fiscal and administrative staff of the school district to form recommendations based upon the findings of the Legislative Auditor.

(c) On or before January 9, 2007, submit a written report of its findings and recommendations to the Board of Trustees of the school district, and to

the Director of the Legislative Counsel Bureau for compilation and transmittal to the Legislature.

5. On or before May 15, 2007, the Board of Trustees of the Clark County School District, Washoe County School District, Carson City School District, Douglas County School District, Elko County School District, Lyon County School District and Nye County School District shall, if appropriate, provide for the continuation of the activities of its Business Advisory Council. The Board of Trustees may thereafter revise the duties of the Council and provide for its membership as it deems appropriate.

Sec. 3. This act becomes effective on July 1, 2003.".

Amend the title of the bill, second and third lines by deleting: "Clark and Washoe County School Districts," and inserting: "certain school districts; providing for the formation of Business Advisory Councils;".

Amend the summary of the bill to read as follows:

"Summary—Requires Legislative Auditor to conduct performance audits of certain school districts and provides for formation of Business Advisory Councils. (BDR S-995)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 5:53 p.m.

ASSEMBLY IN SESSION

At 5:54 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that the action whereby Assembly Bill No. 162 was referred to the Concurrent Committee on Ways and Means be rescinded.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 37.

Amend sec. 7, page 4, line 42, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 7, page 5, line 13, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 7, page 5, line 21, by deleting "*Attorney General.*" and inserting "*Consumer's Advocate.*".

Amend sec. 7, page 5, line 22, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 7, page 5, lines 33 and 34, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 7, page 5, line 35, by deleting "*Attorney General.*" and inserting "*Consumer's Advocate.*".

Amend sec. 7, page 5, line 36, after "*4.*" by inserting: "*If a person requests that his telephone number be included in the registry, the person must indicate whether he authorizes callers with whom he has an established business relationship, and affiliates of those callers, to make unsolicited sales calls for the sale of goods or services to him despite the inclusion of his telephone number in the registry. If the person does not indicate his choice with regard to such authorization, he shall be deemed to have chosen to authorize such calls. The person may request to change his choice with regard to such authorization using any of the procedures with which he may request to include or maintain his telephone number in the registry. The person's choice with regard to such authorization must be included in the registry and in every list of the telephone numbers in the registry published while that choice is in effect. 5. In publishing a list of the telephone numbers in the registry, the Consumer's Advocate shall publish the list with two distinct portions. One portion must include the telephone number of each person who has chosen to authorize callers with whom the person has an established business relationship, and affiliates of those callers, to make unsolicited sales calls for the sale of goods or services to him despite the inclusion of his telephone number in the registry. The other portion must include the telephone number of each person who has chosen not to authorize callers with whom the person has an established business relationship, and affiliates of those callers, to make unsolicited sales calls for the sale of goods or services to him.*

6.".

Amend sec. 7, page 5, line 38, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 8, page 5, line 39, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 8, page 6, lines 11 and 17, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 9, page 6, line 27, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 10, page 6, line 32, by deleting "*Attorney General.*" and inserting "*Consumer's Advocate.*".

Amend sec. 11, page 6, line 35, by deleting "*A*" and inserting: "*Except as otherwise provided in this section, a*".

Amend sec. 11, page 6, line 38, after "*registry.*" by inserting: "*A telephone solicitor may make an unsolicited telephone call for the sale of goods or services to a telephone number in the currently effective version of the list if:*

(a) The telephone solicitor, or an affiliate of the telephone solicitor, has an established business relationship with the person whose telephone number is called; and

(b) The list indicates that the person whose telephone number is called chose to authorize callers with whom he has an established business relationship, and affiliates of those callers, to make unsolicited sales calls for the sale of goods or services to him despite the inclusion of his telephone number in the registry.".

Amend sec. 12, page 7, lines 4 and 5, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 12, page 7, lines 18 and 19, by deleting "*Attorney General,*" and inserting "*Consumer's Advocate,*".

Amend sec. 12, page 7, line 23, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 13, page 7, lines 28, 31, 32, 39 and 43, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 13, page 8, lines 1, 7, 24, 33 and 36, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 13, page 8, line 39, by deleting "*Attorney General.*" and inserting "*Consumer's Advocate.*".

Amend sec. 13, page 8, line 41, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 13, page 8, line 43, by deleting "*Attorney General;*" and inserting "*Consumer's Advocate;*".

Amend sec. 13, page 9, line 5, by deleting "*Attorney General,*" and inserting "*Consumer's Advocate,*".

Amend sec. 14, page 9, line 10, after "*inclusive.*" by inserting: "*For the purposes of enforcing the provisions of sections 3 to 16, inclusive, of this act, the Consumer's Advocate may exercise the authority of the Attorney General pursuant to NRS 598.0903 to 598.0999, inclusive.*".

Amend sec. 15, page 9, line 13, by deleting "*Attorney General.*" and inserting "*Consumer's Advocate.*".

Amend sec. 15, page 9, lines 14, 22 and 29, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend sec. 16, page 9, line 34, by deleting "*Attorney General*" and inserting "*Consumer's Advocate*".

Amend the bill as a whole by renumbering sec. 17 as sec. 19 and adding new sections designated sections 17 and 18, following sec. 16, to read as follows:

"Sec. 17. NRS 228.300 is hereby amended to read as follows:

228.300 As used in NRS 228.300 to 228.390, inclusive, *and sections 3 to 16, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 228.302 to 228.308, inclusive, have the meanings ascribed to them in those sections.

Sec. 18. The State Treasurer shall, upon passage and approval of this act, transfer $200,000:

1. From the account within the Attorney General's Special Fund for money deposited pursuant to subsection 1 of NRS 598A.260; and

2. To the Registry Fund created by section 15 of this act.".

Amend sec. 17, page 9, line 38, by deleting "regulations" and inserting: "regulations, transferring money pursuant to section 18 of this act,".

Amend sec. 17, page 9, lines 40 and 41, by deleting "Attorney General" and inserting "Consumer's Advocate".

Amend the title of the bill to read as follows:

"AN ACT relating to telephone solicitation; requiring the establishment of a registry of certain telephone numbers; requiring the publication of a list of certain telephone numbers; prohibiting a telephone solicitor from making an unsolicited telephone call for the sale of goods or services to a telephone number included in the currently effective version of the list under certain circumstances; providing that the making of an unsolicited telephone call for the sale of goods and services is a deceptive trade practice under certain circumstances; creating the Registry Fund as a special revenue fund in the State Treasury; providing for money to be transferred to the Registry Fund; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Perkins:

Assembly Bill No. 441—AN ACT relating to homeland security; creating the Nevada Commission on Homeland Security; setting forth the membership and duties of the Commission; providing certain exceptions to the open meeting law; requiring certain political subdivisions to adopt and maintain a response plan; establishing a plan for the continuation of state and local governmental operations; requiring certain utilities to conduct vulnerability assessments and to prepare emergency response plans; revising provisions relating to certain unlawful acts committed against utilities; allowing certain utilities to recover the just and reasonable costs of certain prudent and necessary security improvements and measures; providing for

the confidentiality of certain documents, records and other information; imposing certain requirements for interoperability with respect to information and communication systems purchased by this state and local governments; requiring certain governmental entities to place automated external defibrillators in certain buildings and facilities; making various changes with respect to the authority of the Department of Motor Vehicles to accept and reject certain documents; increasing certain criminal penalties with respect to the fraudulent use of drivers' licenses and identification cards; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 442—AN ACT relating to taxation; authorizing county assessors to grant an abatement of property taxes for certain residences to avoid severe economic hardship; providing for the repayment of all or a portion of the abated taxes upon sale of the property or other mitigation of the severe economic hardship; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Taxation.

Motion carried.

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

Assembly in recess at 6:01 p.m.

ASSEMBLY IN SESSION

At 6:05 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Russ Price, Ernie Gisler, and David Wieland.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Laird Noble Sanders and Laird Noble Sanders II.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Shay Wells, Carl Sarman, Morgan Tucker, Samantha Cavender, Ann-Marie Shank, Cassie Wyllie, and Brooke Lani.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Venicia Considine.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Shari Buck, Mary-Kay Peck, and Chris Durksen.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Cook.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Lindenbach.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, March 18, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 6:06 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 18, 2003

Assembly called to order at 11:20 a.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present except Assemblywoman Angle, who was excused.

Prayer by the Chaplain, Pastor Patrick Propster.

Heavenly Father, the times before our nation are frightening, as well as uniting. Our Gracious God, you have birthed into each of us the core values of liberty and justice for all, not just for ourselves as Americans, but for all. These two are joined together as if in a marriage. As a people and a nation we shall not commit adultery against these values. Give us and our leaders the wisdom to know exactly what to do and the courage and strength to do it. Please protect our people and the country You have given to us as we stand true in the commitment of our word.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 17, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 31, 35, 68, 96, 150, 159.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 31.

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

Motion carried.

Senate Bill No. 35.

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

Motion carried.

Senate Bill No. 68.

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

Motion carried.

Senate Bill No. 96.

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

Motion carried.

Senate Bill No. 150.

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

Motion carried.

Senate Bill No. 159.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 140.

Bill read second time and ordered to third reading.

Senate Bill No. 57.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 135.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Assembly Bill No. 135:

YEAS—41.

NAYS—None.

EXCUSED—Angle.

Assembly Bill No. 135 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 147.

Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Assembly Bill No. 147:

YEAS—41.

NAYS—None.

EXCUSED—Angle.

Assembly Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 18, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 22.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 22.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Assemblyman Anderson requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker pro Tempore. It is hard to imagine a life that is more full and should be more celebrated than that of Dr. Edmund Cain. When I came to the campus of the University of Nevada as a freshman in 1961-62, the College of Education was stuck in a building called Thompson Education. It was an old building that had been there for some time. When I returned from the Army in 1964 it had not changed. When I left the campus we were in a beautiful new building, having moved forward under Dean Cain's direction. The nature of my profession has changed dramatically because of his influence. Would-be teachers starting out on the road had not been exposed to the classroom until they were expected to do their student teaching. Now students are encouraged and are brought to classrooms in their second year of education so they can have a hands-on approach and they don't get stuck believing that teaching is somewhat akin to the learning experience of college. That is a dramatic step. Dean Cain was always up to the challenge of being prepared. My uncle went to college with Dean Cain in Chico. They both were in music together. Arch Hooper and he played in the same band, sharing a continued love for jazz and music. Dean Cain had a love and celebration of life that all of us could only hope for. His legacy is a life of celebration. While the monuments of a building are pleasant to look at and leave a lasting legacy, it is in the hearts of the teachers that he has touched where his legacy will forever live. For that, Mr. Speaker, I encourage my colleagues to vote in support of this resolution.

Resolution adopted unanimously.

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

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 12:23 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 162.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 162:
YEAS—41.
NAYS—None.
EXCUSED—Angle.
Assembly Bill No. 162 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 203.
Bill read third time.
Remarks by Assemblymen Williams and Mortenson.
Roll call on Assembly Bill No. 203:
YEAS—41.
NAYS—None.
EXCUSED—Angle.
Assembly Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 216.
Bill read third time.
Remarks by Assemblyman Hardy.
Roll call on Assembly Bill No. 216:
YEAS—41.
NAYS—None.
EXCUSED—Angle.
Assembly Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 218.
Bill read third time.
Remarks by Assemblymen Horne and Hardy.
Roll call on Assembly Bill No. 218:
YEAS—41.
NAYS—None.
EXCUSED—Angle.
Assembly Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 224
Bill read third time.
Remarks by Assemblywoman Pierce.

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

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 12:41 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Assembly Bill No. 224 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 232.

Bill read third time.

The following amendment was proposed by Assemblyman Hettrick:

Amendment No. 64.

Amend sec. 6, pages 3 and 4, by deleting line 44 on page 3 and lines 1 and 2 on page 4, and inserting: "*or services" means an unsolicited telephone call to:*".

Amend sec. 6, page 4, line 11, after "*2.*" by inserting: "*The term does not include:*

(a) A telephone call on behalf of a charitable organization, political party or candidate for public office; or

(b) A telephone call to a person by a caller if the caller:

(1) Not earlier than 18 months before the telephone call:

(I) Rented, leased or sold a good or service to the person; or

(II) Engaged in a financial transaction with the person;

(2) Has complied with all applicable state and federal requirements for maintaining a record of each person who has requested that the caller not make unsolicited telephone calls for the sale of goods or services to the person; and

(3) Provides annually to each person with whom the caller has an established business relationship a separate written statement which:

(I) States that such a person may request that the caller not make unsolicited telephone calls for the sale of goods or services to the person;

(II) States that the separate written statement is being provided pursuant to the provisions of this paragraph;

(III) States that the person may obtain information concerning the provisions of this paragraph by contacting the Consumer's Advocate or the caller; and

(IV) Provides the mailing address, telephone number and address for electronic mail for the Consumer's Advocate and the caller.

3.".

Amend sec. 6, page 4, line 35, by deleting "*3.*" and inserting "*4.*".

Amend sec. 6, page 4, line 38, after "*made;*" by inserting "*or*".

Amend sec. 6, page 4, by deleting lines 39 through 41.

Amend sec. 6, page 4, line 42, by deleting "*(c)*" and inserting "*(b)*".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblymen Hettrick, Conklin, and Christensen.

Amendment lost on a division of the House.

Remarks by Assemblymen Conklin, Goldwater, Brown, Beers, and Knecht.

Assemblywoman Buckley rose to a point of order regarding the content of remarks.

Mr. Speaker ruled that there was improper content in remarks.

Roll call on Assembly Bill No. 232:

YEAS—37.

NAYS—Carpenter, Christensen, Hettrick, Marvel—4.

EXCUSED—Angle.

Assembly Bill No. 232 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Virginia Cain, Sam McMullen, Mary Ellen Cain McMullen, and Janice Goodhue.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Verlia D. Hoggard.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, March 19, 2003, at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:56 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 19, 2003

Assembly called to order at 10:56 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Christensen and Goldwater, who were excused.

Prayer by the Chaplain, Pastor Patrick Propster.

Psalm 41: He that considereth the poor: "The Lord will preserve him, and keep him alive; and he shall be blessed upon the earth and thou wilt not deliver him unto the will of his enemies." Lord God Almighty, You have never left us, nor forsaken us. We pray and thank Thee for granting us Your might, balanced with the knowledge of what is right, to serve and protect. Your Word declares, "Thou shalt not murder, steal, lie or covet." These have been done on a global scale, by a global enemy. Now, we as a nation, are called upon to act preemptively to remove that destructive foe from being a continual global threat. Grant us Your blessings and Your victory. We also pray Your protection be with our loved ones who stand ready to preserve liberty through justice.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bill No. 177; Senate Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Marvel, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Rhoads, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 7—Memorializing former mining lobbyist and Nevada Tax Commissioner, Howard Winn.

WHEREAS, The Nevada State Legislature notes with sadness the passing of W. Howard Winn on December 12, 2001, at a ranch near Silver City, New Mexico; and

WHEREAS, Howard Winn was born to W. Henry and Annie Ritz Winn on May 16, 1916, in Howard County, Missouri, and moved with his family to spend his childhood on a wheat farm and attend schools in McPherson, Kansas; and

WHEREAS, After earning a Bachelor of Science degree in Mining Engineering from the University of Kansas in 1939, Howard Winn joined Kennecott Copper Corporation where his 36-year career included work as a Design Engineer, Smelter Superintendent, Concentrator Superintendent and Reduction Plant Superintendent in several of the company's operations before his appointment as General Manager of the Nevada Mines Division in Ely, a position that he held for the last 12 years until his retirement in 1976; and

WHEREAS, In 1935, Howard Winn married Chrysie Bailey and, after her death in 1987, Howard memorialized their love of 52 years with his establishment of the Chrysie P. Winn Memorial Endowment, which provides funding for the enhancement of the mining and geology collection of the DeLaMare Library of the Mackay School of Mines at the University of Nevada, Reno, where the Chrysie P. Winn Reading Room has been named in her honor; and

WHEREAS, A long-standing member of the American Institute of Mining and Metallurgical Engineers and the Society of Mining Engineers, Howard Winn was a consultant to the Nevada Mining Association for 12 years after his retirement from Kennecott and also served for 19 years on the Nevada Tax Commission; and

WHEREAS, Believing that laws should be written for the benefit of the public generally, Howard Winn worked as a lobbyist at the Nevada Legislature not only for the mining industry but for all Nevadans, and his efforts resulted in the passage of many laws that protect the State's wildlife and air and water quality; and

WHEREAS, In addition to the scholarship-endowed trust established by him at the Mackay School of Mines, Howard Winn demonstrated his love for people and for the mining industry by mentoring many men and women who achieved much in their own careers in mining and by supporting a prominent role for women in the industry before it was popular to do so; and

WHEREAS, Howard Winn was also preceded in death by his second wife, Arvada, and is remembered as a man of the greatest honor and integrity who respected all people for their individual abilities to contribute to the greater good; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 72nd session of the Nevada Legislature extend their condolences to the many friends of W. Howard Winn; and be it further

RESOLVED, That the table, beautifully crafted by Howard Winn and located in the Chrysie P. Winn Reading Room, will be a reminder of the generosity and love of this man who left his mark on the mining industry and the people of Nevada.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel and Carpenter.

Resolution adopted unanimously.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 7 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Manendo moved that Assembly Bill No. 224 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 443—AN ACT relating to controlled substances; providing for an additional penalty for selling or providing certain controlled substances where the use of the controlled substance results in death or substantial bodily harm and the defendant failed to render or seek the necessary medical assistance; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 444—AN ACT relating to traffic laws; providing an additional penalty for a violation of certain traffic laws in an area designated as a temporary traffic control zone for construction, maintenance or repair of a highway; requiring prosecution of a failure to comply with signals of flagmen under certain circumstances; providing penalties; and providing other matters properly relating thereto.

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

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:16 a.m.

Mr. Speaker presiding.

Quorum present.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 140, 224, and Senate Bill No. 57 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:22 a.m.
Mr. Speaker presiding.
Quorum present.

REMARKS FROM THE FLOOR

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

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. A couple of days ago, everyone was supposed to get their bills introduced. It looked to me like the first day of kindergarten. I appreciate everyone wanting to get their bills in, showing great concern for their constituents. I just think, though, that we really should either do a resolution for the bill drafters or send them roses, something like that, because without them being here to do all that work, we would not have been able to get our bills in.

I get here quite early in the morning and I leave late at night. I see all the lights on in the building and all the automobiles over there in the parking lot. I think that some of the staff are watching us today, so we at least should give them a real round of applause for their yeoman-like work. We should show them how much we appreciate all their work. Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to John Reed and Greg Phillippi.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Elwin Robison and Marge Robison.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Donal Hummer.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Mahoney and Phyllis Langlois.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Newman, Tom Young, and Fred Gibson.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Leandra Binder.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 20, 2003, at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:22 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 20, 2003

Assembly called to order at 10:52 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Christensen and Pierce, who were excused.

Prayer by the Chaplain, Pastor Patrick Propster.

Lord of Heaven and Earth, our hearts are moved to prayer and concern as we find ourselves as a nation in the midst of battle this day with Iraq. We ask of Thee for a quick and victorious outcome. There are many kinds of peace and certain kinds are only found on the other side of war. The universal sign of surrender is the raising of hands above the head, which we have witnessed by some of Iraq's border troops. We pray that this will continue and that there will be a minimal loss of life. Lord, we yield our hearts in surrender to You and within our minds, we raise our hands to Your will and to Your way, not only in regard to "Enduring Freedom" but within all that we think, do, and say. To You be all the honor and the glory, now and forever.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 19, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 7; Senate Concurrent Resolution No. 11.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 146, 169, 186, 196, 231, 232.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Perkins, Buckley, Hettrick, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber, and Williams; Senators Titus, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 8—Expressing support for American military troops again in harm's way.

WHEREAS, Almost one-quarter of a million American men and women are engaged in war with Iraq; and

WHEREAS, These members of our Armed Forces are exposed to great danger and to the hazards and discomforts of the harshest of climates; and

WHEREAS, They have forsaken home, family and friends in obedience to the call of their country and fidelity to their oath of service; and

WHEREAS, They undertake this duty and prepare to make the ultimate sacrifice out of love for their country and the freedoms for which it stands; and

WHEREAS, The men and women leave behind spouses, children and parents who suffer great anxiety and make great sacrifices to enable our servicemen and women to fulfill their patriotic obligation; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature commends the noble, selfless and heroic efforts of our American servicemen and women; and be it further

RESOLVED, That the members of the Nevada Legislature join with all Nevadans in laying aside debates about the prudence of the cause in which our country is engaged and pray that this conflict may speedily end and that these brave men and women may return safely home to their families and friends; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Adjutant General of the Nevada National Guard and the Commanding Officer of Nellis Air Force Base.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Anderson, Carpenter, Horne, Andonov, and Mortenson.

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

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I felt it was appropriate for this Body, regardless of whether you support the war, or have reservations, to have the opportunity to let our troops and our families know that they are in our thoughts. That is the intent of this resolution, to make sure that we go on record saying we pray for peace and for everyone to come home safely, and we honor our men and women who are fighting on our behalf. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

I rise in support of the resolution. It is always difficult in times of war and national security to face the reality of having to place our loved ones in such a position. The importance of the country standing together in support of our troops, and whom they represent, is essential. When those people stand out there, representing democracy and what it is supposed to achieve, they carry with them the support of every American. The gentleman from Assembly District 21 has pledged himself to that kind of honor, as have others in this group. We do not have anyone serving from our Body this session; however, family members are serving. I think it is absolutely essential that this resolution carries, to the troops from Nevada and to the National Guard, who are now making up close to a third of the military forces in the Gulf, not just in a quiet whisper kind of way, but in reality. As a small token I hope that we can do this with this resolution.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of ACR 8. A number of times before I have asked this Body to pray for my son, who flies tankers out of the Air National Guard in Phoenix, Arizona. If you don't know, the Air Guard has most of the tankers in our nation. If it weren't for the Air Guard, the tankers would not be flying. My son has flown in all the skirmishes that we have had before, in Iraq during Desert Storm and in Kosovo. He just returned from duty in Iraq. I am sure if this skirmish lasts much longer he will be returning. I ask you to pray for him and for all of our service people. It is a great sacrifice that they do and a great sacrifice for their families. My son has three girls, including a set of twins. It is hard to see him leave and to see those little girls cling to him. I ask you to pray for him and for all our servicemen, that they come back safely and that we will get another phase in our history behind us. Thank you all very much for your prayers in the past, and I thank you for the ones in the future and the ones today. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Mr. Speaker. I rise in support of ACR 8. I am from a military family. I myself had a short stint in the military. My father did two tours in Vietnam. My maternal grandfather was crippled in service during the Korean War. I particularly like this bill because it reminds us that while we may not always agree with the policy of our nation, I never disagree with my duty to support our troops, especially when they are put in harm's way. It is important for us to remember they don't make the policy. They only serve when we ask them to. They go and do their job, making their sacrifices. Since serving here, people keep telling me of the sacrifices that I have been making, but it pales in comparison to the sacrifices that are made by the men and women in the armed services and those civilian government employees who are indispensable and are also in harm's way. While I will be able, God willing, to see the birth of my son next month, many of them will not be there for the birth of their children. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDONOV:

Thank you, Mr. Speaker. I also rise in support of ACR 8. As a U.S. Army veteran myself, who served overseas during the time of our last crisis in the Middle East, I know firsthand how important it is to keep our soldiers, servicemen, and servicewomen in our thoughts and prayers. As a Body, it is entirely important that we support our troops. In times of crisis Americans have always come together and Nevadans are no exception. We have always come together, regardless of what we feel about the conflict. This conflict in Iraq will be no exception. Our troops are well trained and prepared. I think it is appropriate that we, as a legislature, commend

the noble and selfless service of our American servicemen and servicewomen. Thank you, Mr. Speaker.

ASSEMBLYMAN MORTENSON:

Thank you, Mr. Speaker. I rise in support of this resolution. I would like to echo the words of my colleague from District 33. I have a son-in-law in harm's way. My daughter lives in Tennessee, but my son-in-law, unfortunately, is in Afghanistan. He is not on the border of Iraq, but could be there rapidly. For that reason I rise in support.

Resolution adopted unanimously.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 8 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 11.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 445—AN ACT relating to welfare; transferring certain duties relating to Medicaid from the Welfare Division of the Department of Human Resources to the Department of Human Resources and from the State Welfare Administrator to the Director of the Department of Human Resources; revising the definition of the "undivided estate" of a deceased recipient of Medicaid; requiring the Director of the Department of Human Resources to adopt certain regulations; providing that certain provisions of law do not apply to the recovery of money owed to the Department of Human Resources as a result of the payment of benefits for Medicaid; repealing the requirement that the State Plan for Medicaid include a requirement that certain senior citizens are eligible for Medicaid for long-term care; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 446—AN ACT relating to civil actions; providing certain limitations on the ability of a contractor to seek indemnification from a subcontractor who was not responsible for a constructional defect; requiring a contractor who repairs a constructional defect to pay for an independent person to supervise and inspect the repair and to provide a payment bond and performance bond to the claimant under certain circumstances; providing that a contract or agreement that limits or alters the damages that may be recovered for a constructional defect is void; requiring a court to revoke the license of a contractor if the contractor fails to correct or repair a constructional defect under certain circumstances; providing that a

release or covenant not to sue given to a tortfeasor discharges the tortfeasor from liability for express indemnity under certain circumstances; providing that the dissolution of a corporation or limited-liability company does not impair certain claims, remedies or causes of action relating to a constructional defect; prohibiting a seller or contractor from including in certain contracts or agreements for the purchase and sale of real property a provision requiring binding or nonbinding arbitration; revising the provisions governing the commencement of a civil action by a unit-owners' association; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:11 a.m.

Mr. Speaker Pro Tempore presiding.

Quorum present.

Senate Bill No. 146.

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

Motion carried.

Senate Bill No. 169.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 186.

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

Motion carried.

Senate Bill No. 196.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 231.

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

Motion carried.

Senate Bill No. 232.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 149.

Bill read second time and ordered to third reading.

Assembly Bill No. 177.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 3.

Bill read second time and ordered to third reading.

Senate Bill No. 77.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 140, 224, and Senate Bill No. 57 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 20, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 23.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 23.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblymen Williams and Giunchigliani.

Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolutions Nos. 18 and 22.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Geldmacher, Michaela Geldmacher, and Jeff Downs.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Burgess and Lorraine Porter.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Lenheart, Vivian Maxwell, and Brett Maxwell.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Betsi Williams.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Angie Gantman.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Dee Montooth.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Abowd, Adele Abowd, Charlie Abowd, Karen Abowd, Colette Burau, Scott Burau, and Cyrina Abowd.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, March 21, 2003, at 11:00 a.m. and that we do so in support of our military troops.

Motion carried.

Assembly adjourned at 11:35 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 21, 2003

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Carpenter, Christensen, Pierce and Williams, who were excused.

Prayer by the Chaplain, Pastor Patrick Propster.

Benevolent Father, over these last two weeks the Senate and Assembly have visited, through prayer, ten principles that our Founding Forefathers used to build this great nation. I pray that all those gathered here in this place acknowledge, as Benjamin Franklin did and concluded that "if a sparrow cannot fall to the ground without the Creator's notice, a nation cannot rise without His aid." They allowed the Ten Commandments to construct and govern this nation, thus impacting the world. May we be as faithful while continuing in that endeavor. May You be pleased with all the decisions and proclamations that have and will be made throughout this 72nd Legislative Session of the great state of Nevada. Lord, please be with our Armed Forces and grant us quick victory.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 20, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 22, 33, 93, 94, 101.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 447—AN ACT relating to solid waste; requiring certain owners and operators of disposal sites to collect a fee for the collection of solid waste and deposit such fees with the Department of Taxation;

establishing requirements for the operation of a regional disposal site; requiring a solid waste management authority to administer provisions governing the disposal of motor vehicle batteries, tires or oil; authorizing a solid waste management authority to issue certain orders to a person who generates solid waste; requiring a person who collects recyclable materials to submit an annual report to the Division of Environmental Protection of the State Department of Conservation and Natural Resources; authorizing the Division to issue grants to certain entities; requiring certain counties and health districts to appoint recycling coordinators; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 448—AN ACT relating to domestic violence; clarifying the provisions governing an arrest involving a violation of an order for protection against domestic violence; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 449—AN ACT relating to real property; requiring disclosures of certain information by the seller of a previously unsold residence; tolling the statutes of limitation and repose for certain actions relating to real property; increasing the amount of damages that a claimant may recover for a constructional defect; requiring an applicant for a contractor's license to pass a practical examination administered by the State Contractors' Board; requiring the Board to adopt regulations setting forth the requirements for continuing education for licensees; providing that certain claims or actions relating to constructional defects do not preclude the Board from taking disciplinary action against a licensee; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 450—AN ACT relating to the Public Employees' Retirement System; prohibiting the designation of certain positions in government as being a position for which a monthly service retirement allowance may be paid when a previously retired employee fills the position during a critical labor shortage; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 106.

Bill read second time and ordered to third reading.

Assembly Bill No. 189.

Bill read second time and ordered to third reading.

Assembly Bill No. 290.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Assembly Bill No. 290 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 140, 149, 177, 224; Assembly Joint Resolution No. 3; Senate Bills Nos. 57, 77 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 11:27 a.m.

ASSEMBLY IN SESSION

At 11:40 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 21, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 252, Amendment No. 74, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 252.

The following Senate amendment was read:

Amendment No. 74.

Amend section 1, page 1, line 3, by deleting "$100,000,000." and inserting "$135,000,000.".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 252.

Remarks by Assemblymen Giunchigliani and Hettrick.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Toni Valdez.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Dallas, Nannette Moffet, Taunya Milligan, and Jessica Kincaid.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Kennedy.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Misseldine, Sandy Armentrout, Tracey Frandsen-Crook, Carol Winans, Cassidy Blanton, Michelle Bowen, Amanda Brooksbank, Raylene Bryant, Kevin Carlson, Sara Chester, Alexandra Dezso, Daniel Ferguson, Nicholas Francis, Tyson Geving, Alexander Graybar, Alexander Hill, Tawni Johnston, Ryan Keyzers, Olivia Le Coque, Madison Murphy, Christian Ochoa-Reyes, Tyler Richardson, Brandon Rizzo, Janna Robinson, Marianne Schmidt, Calvin Stuart, Casey Woods, Michelle Amadin, Alisha Benke, Jordan Chaffin, Christian Cook, Shea Crane, Jeralee DeMarce, Ryan Dhindsa, Natash Dombrowski, Andras Ferguson-McIntyre, Justin Gregory, Taylor Higgins, Jaquiline Jones, Daniel Keiser, Jessica Langley, Seaena Lewis, Spencer Lujan, Tyler Nguyen, Brian Pierce, Aubrey Powell, Sandy Quan, Sviataslav Sokolou, Max Tsang, Jocelyn Villagomez, Patrick Baker, Britany Wilcoxson, Stormy DuBois, Kelsea Duffrin, Laura Lee Durst, David Holloway, Brent Ishii, Bethany Kette, Colin McAlvain, Brennan McNamara, Carmen Mo, Jessica Moser, Christine Price, Quinn Rooker, Alycia Stuart, Eric Trowbridge, Alexandra Turley, Cory Willis, Alexa Youngberg, Isabel Youngs, Corey Foulk, Samantha Booth, Haley Breen, Alaina Brodsky,

Mario Casci, Kenia Clark, Kyle Colombini, Crystalle Cummings, Heather Dornberger, Ceira Faretto, Cayla Farrington, Kenneth Fung, Colton Harrah, Michael Howton, Ryan Huff, Brooks Kern, Jake Klund, Griffin Lerude, Cameron Mullins, Emmy Quinn, Brett Rappaport, Karen Sanchez, Sara Seelmeyer, and Eryn Thomas.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Anne Powers.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Lenheart, Vivian Maxwell, and Brett Maxwell.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Southard, Carol Frazier, and Ronnie Hannaman.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Rod Funk, Sandy Funk, and Merla Keetch.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Patti Chipman, Patricia Bain, and Kitty Longhouser.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Candy Bowser and Joann Schock.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 24, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:44 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 24, 2003

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Robert Foester.

O My God! O My God! Unite the hearts of Thy servants and reveal to them Thy great purpose. May they follow Thy commandments and abide in Thy law. Help them, O God, in their endeavor, and grant them strength to serve Thee. O God! Leave them not to themselves, but guide their steps by the light of Thy knowledge, and cheer their hearts by Thy love. Verily, Thou art their helper and their Lord.

BAHA'U'LLAH.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 248, 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 153, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 21, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 8, Amendment No. 72, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 24, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 71, 112, 174, 184, 265, 267, 283, 284, 290, 300, 307, 391, 399 and 441.

MARK STEVENS
Fiscal Analysis Division

By the Committee on Government Affairs:

Assembly Joint Resolution No. 9—Proposing to amend the Nevada Constitution to remove the requirement that the Legislature fix the compensation of certain county officers and to require each board of county commissioners to determine the salaries of certain county officers in its respective county.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 20 of Article 4 of the Nevada Constitution be amended to read as follows:

~~[Section]~~ *Sec.* 20. The legislature shall not pass local or special laws in any of the following enumerated cases—that is to say:

Regulating the jurisdiction and duties of justices of the peace and of constables, and fixing their compensation;

For the punishment of crimes and misdemeanors;

Regulating the practice of courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

Vacating roads, town plots, streets, alleys, and public squares;

Summoning and impaneling grand and petit juries, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers;

For the assessment and collection of taxes for state, county, and township purposes;

Providing for opening and conducting elections of state, county, or township officers, and designating the places of voting;

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities;

Giving effect to invalid deeds, wills, or other instruments;

Refunding money paid into the state treasury, or into the treasury of any county;

Releasing the indebtedness, liability, or obligation of any corporation, association, or person to the state, or to any county, town, or city of this state; but nothing in this section shall be construed to deny or restrict the power of the legislature to establish and regulate the ~~[compensation and]~~ fees of county officers, to authorize and empower the boards of county commissioners of the various counties of the state to establish and regulate the compensation *of county officers* and *the compensation and* fees of township officers in their respective counties, to establish and regulate the rates of freight, passage, toll, and charges of railroads, tollroads, ditch, flume, and tunnel companies incorporated under the laws of this state or doing business therein.

And be it further

RESOLVED, That Section 26 of Article 4 of the Nevada Constitution be amended to read as follows:

~~[Sec.]~~ *Sec.* 26. The Legislature shall provide by law, for the election of a Board of County Commissioners in each County, and such County Commissioners shall jointly and individually perform such duties as may be prescribed by law. *The compensation of the members of the*

Board of County Commissioners in each County must be fixed by the Board of County Commissioners in each respective County.

And be it further

RESOLVED, That Section 32 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 32. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people, and fix by law their duties . ~~[and compensation.]~~ *The Board of County Commissioners of each county shall determine the compensation of those county officers in its respective county.* County Clerks shall be ex-officio Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

Assemblyman Manendo moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By the Committee on Ways and Means:

Assembly Joint Resolution No. 10—Proposing to amend the Nevada Constitution to provide requirements for the use of the proceeds from certain settlement agreements and civil litigation between the State of Nevada and manufacturers of tobacco products and to provide for the sale of the right to receive those proceeds.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 6, be added to Article 9 of the Nevada Constitution to read as follows:

Sec. 6. 1. At least 40 percent of all the tobacco proceeds and any interest or income earned on that portion of those proceeds must be used to provide for scholarships and loans to benefit residents of the State of Nevada who attend:

(a) Colleges and universities that are operated by the State of Nevada; or

(b) Other accredited, nonprofit, nonsectarian colleges and universities that are located within the State of Nevada.

2. The balance of the tobacco proceeds not expended in accordance with subsection 1 and any interest or income earned on that portion of those proceeds must be used to assist residents of the State of Nevada in obtaining and maintaining good health.

3. The Legislature shall provide by law:

(a) The criteria and requirements for determining the eligibility of a person to receive a scholarship or loan described in subsection 1;

(b) For the creation of one or more trust funds for the deposit of the tobacco proceeds; and

(c) For the investment of money deposited in a trust fund created in accordance with paragraph (b). Notwithstanding the provisions of Section 9 of Article 8 of this Constitution, such money may be invested in a company, association or corporation that is not formed for educational or charitable purposes.

4. The Legislature may provide by law for the sale of the right of the State of Nevada to receive all or a portion of the tobacco proceeds. Any law enacted by the Legislature pursuant to this subsection must provide that the net amounts received by the State of Nevada from the sale of its right to receive the tobacco proceeds will be deposited in the same manner and used for the same purposes and in the same proportions as are required by this section for the portion of the tobacco proceeds so sold and that no more than 15 percent of the net amount received from a sale, excluding interest, may be expended in any 1 fiscal year.

5. As used in this section, "tobacco proceeds" means any money received by the State of Nevada:

(a) As part of the comprehensive settlement of November 1998 between certain manufacturers of tobacco products and state attorneys general; or

(b) To pay a judgment or settlement on a released claim under the settlement described in paragraph (a) brought against a manufacturer of tobacco products by this state or by a releasing party under that settlement that is located or residing in this state.

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

Motion carried.

By Assemblymen Parks, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, Weber, and Williams; Senators O'Connell, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 9—Designating March 24, 2003, as Suicide Prevention Day in Nevada.

WHEREAS, The State of Nevada has ranked at the top of the list of states having the highest rates of suicide for at least 2 decades, with a rate that is twice the national average; and

WHEREAS, Suicide is the fifth leading cause of death in Nevada, exceeded only by heart disease, cancer, pulmonary disease and stroke, and Nevada is the only state in which suicides outnumber deaths related to motor vehicles; and

WHEREAS, Research indicates that the vast majority of suicide victims in Nevada are actually residents of this state, and not tourists as is the typical assumption; and

WHEREAS, The most common methods of committing suicide in this state involve the use of firearms, the ingestion of poison, or suffocation or asphyxiation; and

WHEREAS, In the report entitled *National Strategy for Suicide Prevention: Goals and Objectives for Action*, issued by the Surgeon General of the United States in 2001, the plan to reduce the high rate of suicide in our Nation emphasized the importance of public awareness of suicide as a serious, but preventable, public health problem; and

WHEREAS, Research conducted by public health and mental health agencies in Nevada reveals a lack of public awareness of the seriousness of the problem of suicide in our State and the lack of a comprehensive suicide prevention program in Nevada for the mentally ill and homeless; and

WHEREAS, There has been an admitted need to improve suicide prevention programs in Nevada's schools because studies show that 30 percent of middle school and high school students in Nevada have experienced depression, a leading indicator of suicide, and that nearly 20 percent of students have seriously considered attempting suicide; and

WHEREAS, The rural counties in Nevada have a higher rate of suicide than the larger counties of Clark and Washoe, and the need for the State to develop a suicide strategy that recognizes the unique culture of these smaller communities would be beneficial to the entire State; and

WHEREAS, Because of the larger populations in Washoe and Clark Counties, the residents of those counties must also be made aware of the gravity of the problem of suicide; and

WHEREAS, The continuing effectiveness of public campaigns waged against public health problems such as tuberculosis, heart disease, unintentional injury, and alcohol, tobacco and drug abuse cannot be overstated; and

WHEREAS, The recognition of suicide as a public health problem and the institution of a public campaign in which all Nevadans form a coalition to address suicide prevention, with the goal of reducing suicides in each community, constitutes a productive first step in overcoming this devastating problem; and

WHEREAS, Cooperative efforts such as the Crisis Call Center in Reno, Nevada, with support from the Division of Mental Health and Developmental Services of the Department of Human Resources, and the Yellow Ribbon Program in Douglas County, a community-based suicide prevention program, have a great impact in reducing suicide and serve as models for coping with the problems related to suicide; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 24, 2003, is hereby designated as Suicide Prevention Day in Nevada; and be it further

RESOLVED, That the members of the 72nd Session of the Nevada Legislature are committed to creating a greater public awareness of the seriousness of the problem of suicide in Nevada; and be it further

RESOLVED, That all Nevadans are hereby urged to address the problem of suicide in this state by providing education regarding suicide prevention and by furnishing support for the surviving family and friends of suicide victims; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Crisis Call Center in Reno, Nevada.

Assemblyman Parks moved the adoption of the resolution.

Remarks by Assemblymen Parks, Hettrick, Ohrenschall, Chowning, and Leslie.

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

ASSEMBLYMAN PARKS:

Thank you, Mr. Speaker. I rise to speak on ACR 9, recognizing the importance of suicide prevention awareness here in the Legislature and the state as a whole. As you may well know, Nevada's high suicide rate is one of the most pressing public health issues for Nevada and one which I'm dedicated to addressing through my own personal legislative efforts.

During the 2001-2002 interim, I had the privilege of serving as a member of the Legislative Commission Subcommittee to Study Suicide Prevention. The interim Subcommittee was composed of a number of other Assembly members, including the Assemblywoman from District No. 27, as well as two former Assembly members and members from the Senate. For many years, Nevada has consistently ranked first among the 50 states in the rate of suicide. From 1995 to 2000, the Federal Center for Disease Control reported that Nevada had a suicide rate of 22.9 per 100,000 population, as compared to the national average of 11.3 per 100,000. That is over twice the national average. For the first time in decades, Nevada's suicide rate was exceeded by only one other state, Alaska. That is the most recent ranking. Nevada's rate is high among all age groups and socioeconomic populations in the state, including youth, elderly men, Native Americans, and residents of rural communities. The same research consistently has found that the vast majority of suicide victims are residents of Nevada and not its tourists. Suicide is the fifth leading cause of death in Nevada. There are twice as many suicides as homicides in the state. During our interim study, we learned that Nevada is the only state where there are consistently more deaths caused by suicide than deaths in motor vehicle accidents.

Suicide has touched the lives of countless Nevadans, including the family and close friends of many of the persons we interact with each day in the Legislative Building, including lobbyists, fellow legislators, and legislative staff. I know that some of us are aware of legislators and legislative staff who have taken their own lives in the not very distant past. In memory of these suicide victims, and for the sake of hundreds of others, I rise in support of ACR 9.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I rise in support of ACR 9. I was particularly pleased to see the mention of rural Nevada and the problems in rural Nevada and also specific mention of the program that is ongoing in Douglas County. I think this is a very effective program and one that needs funding. I can't resist this opportunity, Mr. Speaker, to tell the members that I have a bill in to help fund that group in Douglas County because they are a step ahead of much of the state right now in recognizing the problem and in gaining volunteers, grants, and matching funds.

They are working really hard to fund the program. Suicide is a serious problem in the state of Nevada that needs to be addressed. Wherever we can make a difference we need to do that. I urge the members' support of ACR 9.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I rise in support of ACR 9. For too long, suicide has been a problem we've swept under the carpet because we didn't want to look at it or because we didn't know how to look at it. It's particularly important to remember that among the high rate of suicides are also a lot of our young people who are, perhaps, too immature to know what's happening. We really need to get an early intervention program in there. We must constantly try to remind them that suicide is a permanent solution to what, basically, is usually a temporary problem. It is something we need to focus on and I urge every member of this Assembly to vote for the resolution. Thank you.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I rise in support of ACR 9. Ten years ago, I had an intern who begged me to do something about prevention of suicide. Thanks to my colleague from Assembly District. No. 6, we were able to get a prevention of suicide program with all the lesson plans, that we borrowed, everything that our neighboring state of California had put in place. We were able to bring that to Nevada. It has been and continues to be in our schools. This is one place when someone says they are thinking about committing suicide, we all have to listen. It is not something someone makes in jest as a passing statement. It is something that they are truly thinking about. We need to constantly be vigilant and tell people that it is okay to ask for help. In that way, we can prevent the permanent, as my colleague stated, solution to a temporary problem. I urge everyone's support and I thank the people for bringing this to our consciousness today.

ASSEMBLYWOMAN LESLIE:

Thank you, Mr. Speaker. I also rise in support of ACR 9. Having served with the Chairman of Taxation on the interim study of suicide prevention, I know that this is a public health crisis in our state. I recall several years ago, along with the Assemblywoman from District 25 and the Chairman of Government Affairs, when we heard a resolution in our health committee, it was decided that a resolution was not enough. We worked with the Governor, at the time, and many lobbyists, to find funding in an already tight budget for a statewide suicide prevention hotline. I believe the hotline is the reason we have finally gone from number one in the nation to number two in the number of suicides. I would like to urge the Body to support the resolution, but more than that, to support mental health funding in our state. It is no surprise when we are forty-seventh or forty-eighth every year in the amount of money we put into mental health funding in our state, that we are number one or number two in suicides. There is a connection. I hope we support this resolution today. I hope we support the recommendations that came out of the interim study and two years from now we find that Nevada has dropped even further down the list. Thank you, Mr. Speaker.

Resolution adopted unanimously.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 9 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 11:40 a.m.

ASSEMBLY IN SESSION

At 12:16 p.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 302.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 106.
Bill read third time.
Remarks by Assemblywoman Angle.
Roll call on Assembly Bill No. 106:
YEAS—41.
NAYS—None.
EXCUSED—Arberry.
Assembly Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 140.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Bill No. 140:
YEAS—41.
NAYS—None.
EXCUSED—Arberry.
Assembly Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 149.
Bill read third time.
Remarks by Assemblyman Goicoechea.
Roll call on Assembly Bill No. 149:
YEAS—41.
NAYS—None.
EXCUSED—Arberry.
Assembly Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 177.
Bill read third time.
Remarks by Assemblymen Atkinson, Brown, and Chowning.
Roll call on Assembly Bill No. 177:

YEAS—41.
NAYS—None.
EXCUSED—Arberry.

Assembly Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 189.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 189:

YEAS—41.
NAYS—None.
EXCUSED—Arberry.

Assembly Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 224.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 224:

YEAS—41.
NAYS—None.
EXCUSED—Arberry.

Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblymen Buckley, Anderson, Atkinson, Beers, Carpenter, Chowning, Collins, Geddes, Giunchigliani, Grady, Hardy, Knecht, Koivisto, Leslie, Manendo, McClain, Oceguera, Parks, and Williams.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblymen Anderson, Atkinson, Beers, Buckley, Carpenter, Chowning, Collins, Geddes, Giunchigliani, Grady, Hardy, Knecht, Koivisto, Leslie, Manendo, McClain, Oceguera, Parks, Perkins and Williams.

Roll call on Assembly Joint Resolution No. 3:

YEAS—41.
NAYS—None.
EXCUSED—Arberry.

Assembly Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 57.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 57:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Senate Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 77.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Senate Bill No. 77:

YEAS—40.

NAYS—Collins.

EXCUSED—Arberry.

Senate Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 8.

The following Senate amendment was read:

Amendment No. 72.

Amend the resolution, page 2, by deleting lines 18 through 20 and inserting: "Transmit a copy of this resolution to the Commanding Officers of all military forces from Nevada currently serving in the war with Iraq, including the Adjutant General of the Nevada National Guard, the Commanding Officer of Nellis Air Force Base and the Commanding Officer of the Fallon Naval Air Station.".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 8.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 12:43 p.m.

ASSEMBLY IN SESSION

At 12:45 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 451—AN ACT relating to occupational diseases; providing that certain forms of cancer contracted by firemen are occupational diseases under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 452—AN ACT relating to dispensing opticians; permitting the Board of Dispensing Opticians to investigate complaints of unlicensed activity and to issue certain orders and impose administrative fines regarding such activity; providing for administrative fines for certain employers of persons who violate statutory provisions relating to dispensing opticians; providing for one license for dispensing opticians that would authorize the licensee to engage in all activities reserved for dispensing opticians, including those relating to contact lenses; providing for a limited license for existing dispensing opticians who are not authorized to provide contact lenses; eliminating the program for apprentice dispensing opticians; requiring all applicants for licensure as a dispensing optician to successfully complete a specified course of study; providing an exemption from the licensure requirement for certain students practicing ophthalmic dispensing under the direct supervision of a licensed and approved dispensing optician, optometrist or ophthalmologist; revising fees for issuance and renewal of certain licenses; revising continuing education requirements for licensees; repealing the provision limiting the definition of person to a natural person for the purposes of regulating dispensing opticians; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 12:46 p.m.

ASSEMBLY IN SESSION

At 12:48 p.m.
Mr. Speaker presiding.
Quorum present.

By the Committee on Commerce and Labor:

Assembly Bill No. 453—AN ACT relating to insurance; expanding the authority of the Commissioner of Insurance to enter into cooperative agreements and to share certain information; revising the requirements for a person to act as a broker for reinsurance; authorizing an insurance consultant to qualify for a license in certain lines of authority; increasing the amount of surplus required to accept surplus lines; requiring an essential insurance association to qualify as a domestic mutual insurer if requested to do so by the Commissioner; revising the amount of money that the Nevada Insurance Guaranty Association and the Nevada Life and Health Insurance Guaranty Association are obligated to pay for a covered claim; revising the order of distribution of certain claims from the estate of an insurer on liquidation of the insurer; reducing the period during which a member of an association of self-insured public or private employers must submit a notice of intent to withdraw from the association; requiring the member to include certain information in the notice; providing penalties; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 454—AN ACT relating to the Public Employees' Benefits Program; directing the Legislative Auditor to conduct a performance audit of the Public Employees' Benefits Program; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 455—AN ACT relating to taxation; carrying out a certain advisory question relating to funding for regional transportation; authorizing certain counties to impose additional taxes on motor vehicle fuel and to increase certain impact fees for new development; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Government Affairs and Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 456—AN ACT relating to redevelopment; requiring a redevelopment agency to obligate certain lessees or purchasers of property to comply with an employment plan; requiring a proposal for a redevelopment project to include an employment plan unless the redevelopment agency makes certain findings; requiring a redevelopment agency to provide that certain obligations of a purchaser which relate to an employment plan are covenants and conditions running with the land; requiring that, before a legislative body may adopt a plan as the official redevelopment plan for a redevelopment area, the plan must contain adequate provisions for the employment of persons who are members of certain traditionally disadvantaged demographic groups; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 457—AN ACT relating to public financial administration; authorizing the State Controller to retain certain overpayments; requiring the State Controller to adopt certain regulations; requiring the State Controller to maintain certain reports regarding debts owed to state agencies; authorizing the State Controller to make certain information regarding debts available to the public in certain circumstances; authorizing the State Controller to enter into certain agreements allowing installment payments by a debtor; increasing the amount that a debtor may be required to pay as reimbursement for the costs and fees actually incurred to collect the debt; authorizing the State Controller to charge and collect certain fees for partial payments and defaults by a debtor with respect to certain agreements; requiring the State Controller to act as the collection agent for certain state agencies; authorizing the State Controller or the Department of Taxation to enter into a contract with a private debt collector; authorizing the State Controller to declare certain debts to be bad debts; removing the date of expiration of certain pilot programs regarding the withholding of certain licenses; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 458—AN ACT relating to public works; clarifying the authority of the Labor Commissioner to enforce provisions relating to the payment of overtime to workmen employed on public works; requiring the disclosure of the rate of compensation for overtime in contracts for public works and to day labor; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 459—AN ACT relating to county recorders; authorizing a county recorder to deny recordation of certain documents; providing for judicial review of such a denial; prohibiting a person in certain circumstances from resubmitting a document for recordation that had been denied recordation previously; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 460—AN ACT relating to tobacco; making various changes relating to the sale of tobacco products to and the purchase of those products by minors; making various changes regarding the sale, delivery and taxation of cigarettes; revising the duties, rights and licensing requirements of manufacturers, wholesale dealers and retail dealers of cigarettes; providing additional procedures for statutory enforcement; increasing certain criminal penalties and providing additional civil and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 461—AN ACT relating to the Peace Officers' Standards and Training Commission; providing that certain money may be distributed to the Peace Officers' Standards and Training Commission and used for certain purposes; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 462—AN ACT relating to public records; limiting access to records related to homeland security; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 463—AN ACT relating to the State Highway Fund; increasing the percentage of the proceeds of state excise taxes on motor vehicle fuel and license or registration fees or other charges for the operation of motor vehicles that may be used for costs of administration; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 464—AN ACT relating to public officers; establishing a Commission to Review the Compensation of Legislators; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 465—AN ACT making appropriations for the planning and design of a facility for vocational training in Southern Nevada and for the planning and design of a performing arts center in the City of Las Vegas; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 466—AN ACT making an appropriation for a special assessment on state-owned property that has been assessed for improvements relating to a flood protection project; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 467—AN ACT relating to the State Forester Firewarden; authorizing the State Forester Firewarden to carry forward certain unexpended revenue and expend the money to purchase, repair and maintain certain equipment and vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 468—AN ACT making supplemental appropriations to the Welfare Division of the Department of Human Resources for unanticipated shortfalls in Fiscal Year 2002-2003 for the Electronic Transfer Program and the State's share of caseload requirements and cost allocation of the Division; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 469—AN ACT making a supplemental appropriation to the Division of Child and Family Services of the Department of Human Resources for an unanticipated shortfall in money for medical care and higher-level placements for Medicaid-eligible children; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 470—AN ACT relating to child welfare services; extending the date of the reversion of an appropriation made in 2001 for the one-time costs associated with the transfer of certain child welfare services to Clark County and Washoe County; authorizing the continued use of the appropriated money for certain purposes; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 471—AN ACT making supplemental appropriations to the Division of Health Care Financing and Policy of the Department of Human Resources for shortfalls in budgeting in Fiscal Year 2002-2003 for the Nevada Check Up Program and for the Medicaid caseload and county-match requirements; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 472—AN ACT making an appropriation to CHR, Inc., for operational costs and personnel expenses related to carrying out its program "Caring, Helping and Restoring Lives," which assists dislocated workers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 473—AN ACT relating to water systems; transferring the authority to administer certain accounts that provide financial assistance to public water systems from the Health Division of the Department of Human Resources to the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 474—AN ACT relating to wild horses; revising provisions governing payment of the expenses of the Commission for the Preservation of Wild Horses from money in the Heil Trust Fund for Wild Horses; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 475—AN ACT relating to obligations of support for children; imposing a fee upon an obligor each time an employer withholds income for the payment of support for a child; revising the procedure for enrolling a child in a plan of health insurance pursuant to a court order for support to comply with the requirements of federal law; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 476—AN ACT relating to public employees; requiring public employers to ensure that their employees comply with laws governing the registration of motor vehicles and obtaining drivers' licenses; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 477—AN ACT relating to motor vehicles; eliminating the requirement for the Department of Motor Vehicles, in certain circumstances, to refund certain registration fees and governmental services taxes upon the transfer of ownership or interest in a motor vehicle; eliminating the requirement for the Department to refund certain registration fees and governmental services taxes upon the cancellation of registration and surrender of license plates of a motor vehicle; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 478—AN ACT relating to trade practices; increasing the fee for the issuance or renewal of a certificate of registration by the Division of Consumer Affairs of the Department of Business and Industry for a credit service organization, organization for buying goods or services at a discount, dance studio, health club or seller of travel; requiring the Division to regulate martial arts studios; requiring tour brokers, tour operators and martial arts studios to register with the Division; prescribing a fee for such registration; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Concurrent Committees on Commerce and Labor and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 479—AN ACT relating to occupational diseases; making certain employees of the State Department of Conservation and Natural Resources who perform duties relating to fire suppression eligible for compensation for certain occupational diseases; making game wardens employed by the Department eligible for compensation for diseases of the heart or lungs; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 480—AN ACT relating to the Public Employees' Retirement System; revising the provisions regarding the purchase of service credit; revising the formula for calculating monthly service retirement allowances; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 481—AN ACT relating to state financial administration; providing for the suspension, cancellation or refusal to renew certain licenses, permits or registrations of persons who are in default of a debt owed to certain state agencies or to the State of Nevada; requiring the State Controller to adopt regulations establishing the fees that must be charged by certain state agencies for returned checks and drafts; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 482—AN ACT relating to public welfare; making various changes concerning the funding of child welfare services in this state; making the State of Nevada responsible for all of the nonfederal share of the costs of institutional care of persons covered by the State Plan for Medicaid in certain counties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 483—AN ACT relating to purchasing by local governments; requiring the governing bodies of local governments, and the authorized representatives of those governments, to grant a preference to local bidders bidding on certain local governmental contracts for goods or services; requiring those governing bodies to define the term "local bidder" for the purposes of granting the preference; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 484—AN ACT relating to local government; requiring the governing body of certain cities and counties to adopt ordinances regarding licensure of mobile and nonpermanent vehicle wash vendors; the discharge of wastewater into sanitary sewers by such vendors; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 485—AN ACT relating to hazardous materials; providing that certain bona fide prospective purchasers, innocent purchasers and owners of contiguous real property are not liable for response actions and cleanup with respect to certain real property at which a hazardous substance has been or may have been released; clarifying that such relief from liability does not limit certain authorities of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, the Administrator of the Division or the State Environmental Commission with respect to persons who are actually responsible for the contamination or pollution of real property; providing for the imposition of certain liens in certain circumstances; and providing other matters properly relating thereto.

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

Assembly in recess at 1:03 p.m.

ASSEMBLY IN SESSION

At 1:06 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 486—AN ACT relating to hazardous materials; increasing the limitation on certain fees that the State Emergency Response Commission may require certain persons to pay for any calendar year; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 487—AN ACT relating to legislative committees; adding a representative of the general public to the membership of the Legislative Committee on Public Lands; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 488—AN ACT relating to ditches; requiring the State Engineer to investigate certain complaints concerning possible criminal acts involving ditches; prohibiting a person from throwing or depositing certain items in irrigation ditches; requiring a copy of a subdivider's tentative map to be forwarded to the owner of an irrigation ditch under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 489—AN ACT relating to dental hygiene; authorizing the issuance of a temporary license to practice dental hygiene; creating the Advisory Committee on Dental Hygiene; prescribing the powers and duties of the Advisory Committee; expanding the definition of the term "dental hygiene"; changing the term "dental hygienist" to "dental hygiene professional"; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 490—AN ACT relating to mortgage investments; creating the Board for the Regulation of Mortgage Brokers and Mortgage Agents; authorizing the Board to direct the Commissioner of Financial Institutions in regulating mortgage brokers and mortgage agents; providing for the licensure of mortgage agents; providing that advertising spokespersons for mortgage brokers are jointly and severally liable for damages caused by the mortgage brokers under certain circumstances; increasing the amount of continuing education annually required of mortgage brokers and mortgage agents; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 1:08 p.m.

ASSEMBLY IN SESSION

At 1:09 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

By the Committee on Commerce and Labor:

Assembly Bill No. 491—AN ACT relating to social workers; providing for the licensing of a master social worker; increasing certain fees prescribed by the Board of Examiners for Social Workers; requiring an applicant for the issuance or renewal of a license to engage in social work to submit a complete set of his fingerprints to the Board for investigation of the criminal history of the applicant; authorizing the placement of a license on inactive status; authorizing a social worker who is licensed in another state to engage in the practice of social work in this state in response to an emergency or disaster declared by the Governor under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 492—AN ACT relating to mortgage bankers; providing for the regulation of mortgage bankers; requiring a person to obtain a license to engage in mortgage banking; prescribing the requirements for licensure; requiring the Commissioner of Financial Institutions to adopt regulations relating to the licensure of mortgage bankers; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 493—AN ACT relating to state financial administration; creating the Fund for Financial Institutions as a special revenue fund in the State Treasury; providing that money collected by the Commissioner of Financial Institutions and the Division of Financial Institutions of the Department of Business and Industry must be deposited to the Fund; providing that the money in the Fund must be used to carry out the programs and pay the expenses of the Commissioner and the Division; providing for an assessment to be paid by certain banks, savings and loan associations, thrift companies and credit unions; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 494—AN ACT relating to public works; requiring a person who wishes to be qualified to bid on contracts for public works to have an employee benefit plan in effect for his employees; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 1:10 p.m.

ASSEMBLY IN SESSION

At 1:11 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

By the Committee on Commerce and Labor:

Assembly Bill No. 495—AN ACT relating to industrial insurance; requiring the establishment of a repository for records of closed claims; authorizing an employee to select any willing provider under certain circumstances; revising distribution of death benefits; expanding the period during which an injured employee may request an extension of his program for vocational rehabilitation; authorizing an injured employee to appeal an insurer's refusal to execute an agreement providing for the payment of compensation in a lump sum in lieu of providing vocational rehabilitation services under certain circumstances; revising provisions governing a compensable injury or disease caused by stress; repealing the limitation of liability of an insurer or third-party administrator for any violation of the provisions relating to industrial insurance; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 496—AN ACT relating to deceptive trade practices; revising the provisions governing the registration and security requirements applicable to certain sellers of travel, tour brokers and tour operators; authorizing the Commissioner of Consumer Affairs to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 497—AN ACT relating to food establishments; exempting a licensed child care facility from regulation as a food establishment; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 498—AN ACT relating to manufactured home parks; revising the provisions governing the calculation of interest on deposits held by landlords; requiring a landlord to provide certain information to tenants; expanding the requirements for continuing education for managers and assistant managers of such parks; authorizing a landlord to require a security deposit for certain uses of facilities in such parks; providing for an expedited notice of termination of leases under certain circumstances; providing for the termination of a lease without notice for habitual nonpayment of rent; revising the provisions governing the obligations of a landlord upon converting a park to another use; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 499—AN ACT relating to local improvements; authorizing the governing body of a local government to create maintenance districts to pay the cost of maintaining and improving local improvement projects and other undertakings; providing for the levying of assessments in connection with such maintenance districts; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 500—AN ACT relating to persons with disabilities; making various changes to the provisions concerning the use of aversive intervention or forms of restraint on patients with disabilities in certain medical facilities; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 501—AN ACT relating to public assistance; revising provisions governing meetings of the State Welfare Board; transferring certain duties relating to the State Program for Medicaid to the Department of Human Resources and the Director of the Department; revising provisions governing the program to provide temporary assistance for needy families;

requiring the Welfare Division of the Department of Human Resources to adopt regulations establishing a schedule of penalties for failure to comply with the terms of a plan for personal responsibility; revising provisions governing the determination of eligibility of qualifying relatives in a program to assist relatives with legal guardianship of children; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 502—AN ACT relating to insurance; requiring certain policies of insurance and health plans to provide coverage for certain medical treatment provided in a clinical trial or study; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 503—AN ACT relating to the medical use of marijuana; defining the term "propagation facility"; expanding the definition of "attending physician" to include certain physicians who are licensed to practice osteopathic medicine; revising the definition of "usable marijuana" to include the seeds of a plant of the genus Cannabis; providing that, with the written authorization of the State Department of Agriculture, not more than two persons who engage in the medical use of marijuana may use a single propagation facility to produce marijuana for both such persons; providing that such a single propagation facility must not contain an amount of marijuana which exceeds the amount allowed for two persons; requiring that a person with a qualifying medical condition to whom the Department issues a registry identification card be a resident of this state; revising the types of information which must be set forth upon a registry identification card; authorizing the Department to establish by regulation certain fees relating to the application for and issuance of a registry identification card; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 504—AN ACT relating to health care; requiring the Department of Human Resources to establish a program to extend coverage for prescription drugs and pharmaceutical services for certain persons; providing that money in the Fund for a Healthy Nevada may be used to fund the program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 505—AN ACT relating to postsecondary education; revising provisions concerning background checks conducted on certain applicants for employment with private and certain other postsecondary educational institutions; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 506—AN ACT relating to education; prescribing a limit on the number of administrators employed in certain large school districts; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 507—AN ACT relating to education; revising provisions governing the transferability of certain community college credits toward the requirements for an award of a baccalaureate degree from a university within the University and Community College System of Nevada; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 508—AN ACT relating to education; requiring the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District to establish a pilot program to provide instruction in certain foreign languages and the associated culture in the elementary schools; requiring the Council to Establish Academic Standards for Public Schools to develop a plan to provide such instruction in all elementary schools; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 509—AN ACT relating to public schools; revising provisions governing the review of a decision by the board of trustees of a

school district to close a school or change the use of a school; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 510—AN ACT relating to education; requiring the State Board of Education to prescribe a course of study to prepare pupils to pass the high school proficiency examination and college entrance examinations; requiring the boards of trustees of school districts to offer the course of study to pupils enrolled in high school; revising provisions governing the informational pamphlet concerning the high school proficiency examination to include a description of the course of study; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 511—AN ACT making an appropriation to the Board of Regents of the University of Nevada for expenses directly related to implementing a bachelor's degree program at certain campuses of the Community College of Southern Nevada in the field of elementary and secondary education; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 512—AN ACT relating to education; prescribing requirements for privatization agreements between school districts and contractors for the performance of certain services; prohibiting a school district from entering into such agreements under certain circumstances; specifying the procedure to be followed in entering into such agreements; requiring the Legislature or the Legislative Committee on Education to approve privatization agreements under certain circumstances; establishing substantive requirements for the agreements; providing for the automatic termination of agreements under certain circumstances; prohibiting the governing body of a charter school from entering into certain contracts or agreements; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 513—AN ACT relating to education; requiring the Department of Education to prescribe a policy for public schools to provide a safe and respectful learning environment; providing that the policy must include a model program of education for the training of school employees; requiring each school district to adopt the policy of the Department and to provide the training for employees; prohibiting a school official from interfering with or preventing the disclosure of information concerning harassment or intimidation in public schools; providing that certain causes of action may not be brought against a pupil or an employee or volunteer of a school who reports an incident of harassment or intimidation; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 514—AN ACT relating to taxation; providing in skeleton form for the enactment of certain provisions that are necessary to carry out the Streamlined Sales and Use Tax Agreement; providing for the electronic registration of sellers; establishing requirements for determining the place of sale; establishing requirements for claiming an exemption from sales and use taxes; providing for the electronic payment of sales and use taxes; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 515—AN ACT relating to senior citizens; revising the method for calculating refunds paid to senior citizens for property taxes or rent paid by those senior citizens; extending the time for filing claims for such refunds; revising the qualifications for obtaining such refunds; requiring the Administrator of the Aging Services Division of the Department of Human Resources, or his designee, to review claims for such refunds that are denied under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 516—AN ACT relating to taxation; providing for an annual adjustment in the rate of certain taxes on motor vehicle fuel based on the increase or decrease in the Consumer Price Index; revising the formula for the distribution among counties of revenue from a certain additional tax

on certain motor vehicle fuel; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 517—AN ACT relating to taxation; providing for the imposition and administration of a tax on financial institutions for the privilege of doing business in this state; providing penalties; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 518—AN ACT relating to limousines; temporarily prohibiting the Transportation Services Authority from approving certain applications relating to certificates of public convenience and necessity for the operation of limousines; temporarily prohibiting fully regulated carriers from increasing the number of limousines which they operate; directing the Legislative Commission to conduct a study of issues relating to the allocation of limousines; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 519—AN ACT relating to the Department of Transportation; authorizing the Department, in carrying out the process for awarding design-build contracts, to request revised final proposals under certain circumstances; establishing procedures for requesting and evaluating revised final proposals; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 520—AN ACT relating to motor vehicles; transferring the Program for the Education of Motorcycle Riders from the Department of Motor Vehicles to the Department of Public Safety; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 521—AN ACT relating to motor vehicles; expanding the title and the duties of the Section for the Control of Emissions from Vehicles of the Department of Motor Vehicles to include the enforcement of certain matters relating to the use of special fuel; requiring the Section to cooperate and coordinate with the Nevada Highway Patrol in connection with the enforcement of certain matters; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 522—AN ACT relating to motor vehicles; revising provisions governing short-term leases of passenger cars; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 523—AN ACT relating to taxation; authorizing certain counties to use the proceeds from the county motor vehicle fuel tax for the maintenance and repair of streets, highways and various other projects; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 524—AN ACT relating to governmental services taxes; exempting from those taxes vehicles registered to residents of Nevada on active military duty; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 525—AN ACT relating to taxation; revising the method by which the proceeds from certain taxes on motor vehicle fuel are allocated between local governments in certain counties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 526—AN ACT relating to elections; authorizing the contestant in a contest of a general election for the office of Assemblyman or Senator to continue to investigate the contest and amend the statement of contest until the day of the organization of the Legislature; authorizing the parties in such a contest to take depositions; providing that the contestant in such a contest is responsible for costs under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 527—AN ACT relating to elections; requiring the Secretary of State to establish a statewide voter registration list; establishing certain standards for voting systems; establishing the use of provisional ballots for elections for federal offices; changing the date by which a board of county commissioners and governing board of a city must conduct a canvass of the election returns following an election; changing the types of acceptable identification for certain persons voting for the first time; requiring the posting of certain information at each polling place; requiring county and city clerks to take certain actions to assist elderly persons and persons with disabilities in voting; changing the type of identification required to register to vote; making various changes concerning voting by persons who are in the Armed Forces or overseas; exempting the Secretary of State from the competitive bidding process for awarding certain contracts concerning the statewide voter registration list; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 528—AN ACT relating to elections; revising provisions governing the preparation of explanations and arguments for and against certain questions that will appear on the ballot; specifying how periods of time are measured for election duties; revising provisions governing the circulation of certain petitions; changing the date by which a county clerk must determine the number of registered voters of each major political party in each precinct; revising the provisions governing the consequences of a candidate's death; specifying that filing fees are not refundable; changing the date by which the canvass of votes for certain offices and questions must occur; clarifying that minor political parties may receive a list of registered voters from the county clerk without charge; revising the provisions governing the date by which sample ballots must be mailed to the registered voters; expanding the definition of a committee for

the recall of a public officer; changing the officer with whom a candidate who is not elected must file a report concerning unspent contributions; changing the dates by which certain groups must make available information concerning advertising for campaigns; restricting the civil penalties that may be imposed for filing late campaign reports against a public officer or candidate for public office that is not entitled to receive compensation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 529—AN ACT relating to elections; requiring the Secretary of State to design and provide a single form for reporting campaign contributions and expenditures; revising the dates for filing reports for campaign contributions and expenditures; revising the reporting periods included in those reports; requiring certain candidates for public office and public officers to file statements of financial disclosure with the Secretary of State instead of the Commission on Ethics; providing a civil penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 530—AN ACT relating to property tax; requiring a company that uses certain property of an interstate or intercounty nature directly in its operations to file with the Nevada Tax Commission written reports to enable the Commission to establish an appropriate valuation of the property; providing for an extension of time in which to file a required report; providing for the payment of a penalty for failure to file a required report by the date due; providing for the collection of penalties and interest for the late payment of certain property taxes; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 531—AN ACT relating to taxation; establishing the joint and several liability of a responsible person and other taxpayers for the payment of the use tax, interest and applicable penalties that are owed; establishing the same liability for certain other analogous taxes; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Constitutional Amendments:

Assembly Bill No. 532—AN ACT relating to state financial administration; directing the issuance of Nevada silver coins; providing that such coins are legal tender for all debts in this state; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Constitutional Amendments.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Joint Resolution No. 11—Proposing to amend the Nevada Constitution to require gubernatorial appointment of members to the Board of Regents based on certain recommendations and qualifications and to specify the number and terms of members.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 7 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[Sec. 7. The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first Four Years and until their successors are elected and qualified constitute]~~

Sec. 7. 1. There is hereby created a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law. ~~[But the]~~

2. The Board of Regents consists of seven members appointed by the Governor and, except as otherwise provided in this section, selected in the following manner:

(a) One member who is a member of the faculty of the University from a list of at least two names submitted by a body of the University which represents the faculty of the University;

(b) One member who is a student of the University from a list of at least two names submitted by a body of the University which represents the students of the University;

(c) One member from a list of at least two names submitted by an organization or association which represents licensed educational personnel in this state;

(d) One member from a list of at least two names submitted by an organization or association which represents parents of students in this state;

(e) One member from a list of at least two names submitted by an organization or association which represents women in this state or ethnic or racial minorities in this state;

(f) One member from the general public who has responsible administrative experience in public or business administration or possesses broad management skills; and

(g) One member from the general public who is qualified to practice public accounting pursuant to the laws of this state.

If a body or organization fails to provide two names after a request from the Governor, the Governor shall appoint a member from the general public who has knowledge of information relevant to such a body or organization failing to provide such names.

3. The Governor shall provide for the arrangement of the terms of the Board of Regents so that an equal number of terms, as nearly as may be, expire every 2 years. After the initial terms and except as otherwise provided in this subsection, each member of the Board of Regents shall serve a term of 4 years, and until his successor is appointed and qualified. A member of the Board of Regents appointed pursuant to paragraph (b) of subsection 2 shall serve a term of 2 years, and until his successor is appointed and qualified. Any member of the Board of Regents may be reappointed.

4. A vacancy in the membership of the Board of Regents must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. In appointing the members of the Board of Regents, the Governor shall give consideration to appointing members who represent urban and rural areas of this state, women, and ethnic and racial minorities.

6. Not more than four members of the Board of Regents may be members of the same political party.

7. The Legislature shall [at its regular session next preceding the expiration of the term of Office of said Board of Regents provide for the election of a new Board of Regents and define their duties.] *define the duties of the members of the Board of Regents.*

And be it further

RESOLVED, That the term of any member of the Board of Regents who was elected or appointed before the first Monday of the January following the approval and ratification of this constitutional amendment by the people expires on that date. The Governor shall appoint the members of the Board of Regents as soon as practicable after that date, and in making those appointments may appoint a former member of the Board of Regents.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

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

Motion carried.

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 12—Proposing to amend the Nevada Constitution to provide for staggered elections of District Judges.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 5 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 5. *1.* The state is hereby divided into Nine Judicial Districts of which the county of Storey shall constitute the First; The county of Ormsby the Second; the county of Lyon the Third; The county of Washoe the Fourth; The counties of Nye and Churchill the Fifth; The county of Humboldt the Sixth; The county of Lander the Seventh; The county of Douglas the Eighth; and the county of Esmeralda the Ninth. The county of Roop shall be attached to the county of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the Districts herein prescribed, and also for increasing or diminishing the number of the Judicial Districts and Judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the Office. At the first general election under this Constitution there shall be elected in each of the respective Districts (except as in this Section hereafter otherwise provided) One District Judge, who shall hold Office from and including the first Monday of December AD. Eighteen hundred and Sixty four and until the first Monday of January in the year Eighteen hundred and Sixty seven. After the said first election, there shall be elected at the General election which immediately precedes the expiration of the term of his predecessor, One District Judge in each of the respective Judicial Districts (except in the First District as in this Section hereinafter provided.) The District Judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting those elected at said first election ~~[)]~~ *or an election held pursuant to subsection 2)* from and including the first Monday of January, next succeeding their election and qualification; Provided, that the First Judicial District shall be entitled to, and shall have Three District Judges, who shall possess co-extensive and concurrent jurisdiction, and who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the Judges in other Judicial Districts, any one of said Judges may preside on the empanneling [empaneling] of Grand Juries and the presentment and trial on indictments, under such rules and regulations as may be prescribed by law.

2. The Legislature shall provide by law for the term of a District Judge elected on November 1, 2008, and the initial term of a District Judge elected after that date, so that one-third of the total number of Judges, as nearly as may be, is elected every 2 years.

Assemblyman Mortenson moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 10—Directing the Legislative Commission to conduct an interim study of the operations of the Public Employees' Benefits Program.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 463 was referred to the Concurrent Committees on Taxation and Ways and Means be rescinded.

Motion carried.

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

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 478 was referred to the Concurrent Committees on Commerce and Labor and Ways and Means be rescinded.

Motion carried.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 502 was referred to the Committee on Health and Human Services be rescinded.

Motion carried.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 511 was referred to the Committee on Education be rescinded.

Motion carried.

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

Assembly in recess at 1:35 p.m.

ASSEMBLY IN SESSION

At 1:36 p.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

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

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.
Motion carried.

Assembly in recess at 1:39 p.m.

ASSEMBLY IN SESSION

At 5:25 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Concurrent Resolutions Nos. 3, 4, 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 71, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TOM COLLINS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Mortenson:

Assembly Joint Resolution No. 13—Proposing to amend the Nevada Constitution to provide that a special session of the Legislature may be convened by a petition signed by two-thirds of the Legislators of each house.

WHEREAS, There are currently 34 State Legislatures that have the ability to call a special legislative session when deemed necessary; and

WHEREAS, The Nevada Legislature is 1 of only 16 state legislative bodies in the Nation that may not call a special session, and 1 of only 9 Legislatures that may not determine any of the subject matter to be considered at a special session; and

WHEREAS, The Nevada Constitution is grounded on the principle of three equal branches of State Government, with the ultimate authority and responsibility to enact necessary legislation being vesting in the Legislative Branch, subject to final approval by the Governor; and

WHEREAS, Nevada's current constitutional language, which allows only the Governor to call the Legislature into special session, impedes and is contrary to the constitutional provision that vests the legislative authority of the State of Nevada in its elected Legislature; and

WHEREAS, The Nevada Legislature should be authorized to operate with a reasonable degree of independence from the Executive and Judicial Branches as consistent with the separation of powers principle, and should be empowered to identify those topics that may

require the Legislature to call a limited special session deemed in the best interest of the people of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 2A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon petition signed by two-thirds of the members of each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. The Legislature shall transact no legislative business at a special session convened pursuant to this section except that which is specified in the petition and such other legislative business as may be approved for consideration by the Legislature by Joint Resolution approved while in session by the affirmative vote of two-thirds of the members of each House.

3. A special session convened pursuant to this section takes precedence over a special session called by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition calling for the special session.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

And be it further

RESOLVED, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The sessions of the Legislature shall be biennial, and shall commence on the 1st Monday of February following the election of members of the Assembly, unless the Governor of the State *or the members of the Legislature* shall, in the interim, convene the Legislature by proclamation ~~[.]~~ *or petition.*

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

3. The Governor shall submit the proposed executive budget to the Legislature not later than 14 calendar days before the commencement of each regular session.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

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

And be it further

RESOLVED, That Section 9 of Article 5 of the Nevada Constitution be amended to read as follows:

~~[Sec: 9. The]~~ *Sec. 9. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the* Governor may, on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses, when organized, the purpose for which they have been convened, and the Legislature shall transact no legislative business, except that for which

they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.

Assemblyman Mortenson moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 533—AN ACT relating to property; revising the qualifications for obtaining an exemption from the property and governmental services taxes for a surviving spouse, orphan child, blind person, veteran or disabled veteran; providing for the adjustment of the amount of the exemptions from the property and governmental services taxes for surviving spouses, orphan children and blind persons; revising the limitation on the computed taxable value of property; revising the circumstances under which a person may have the valuation of his property changed or corrected; providing specifically that a tax lien is superior to all other liens on the taxable property; establishing a procedure for the detachment of territory from cities to avoid division of legal tax parcels; requiring certain digital documents maintained by a county recorder to be compatible with the information technology used by the county assessor; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 534—AN ACT relating to public works; authorizing the Manager of the State Public Works Board or his designated representative to issue orders to compel the cessation of work on state public works under certain circumstances; providing for an appeal of such an order; requiring the Manager to serve as the Building Official for all buildings and structures on state property; revising the provisions governing change orders; providing requirements for the administration of money for capital improvement projects; providing a civil and criminal penalty; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 535—AN ACT relating to food programs for children; making an appropriation for the reimbursement of certain costs incurred by private nonprofit sponsors of summer food service programs; requiring the Superintendent of Public Instruction to conduct an evaluation of the summer

food service programs in this state; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 536—AN ACT relating to business associations; making various changes to the filing requirements for business entities; providing for the implementation, modification and standardization of certain filing requirements for business entities; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 537—AN ACT relating to the state personnel system; requiring certain employees to be paid for a regularly scheduled shift that falls on a holiday; requiring the Department of Personnel to adopt regulations authorizing the transfer of certain hours of the accrued sick leave of a retiring employee to an account for catastrophic leave established by the appointing authority; authorizing the use of an arbitrator for certain grievances filed by an employee; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 538—AN ACT relating to redevelopment; allowing certain officers and employees of a redevelopment agency or community to have an interest in real property in a redevelopment area under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 539—AN ACT relating to governmental purchasing; clarifying the types of contracts into which a member of certain governing bodies may enter with the governing body; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 540—AN ACT relating to public works; authorizing the State Public Works Board and the governing body of a local government to qualify subcontractors on contracts for public works or to object to subcontractors on public works using the criteria for determining the qualification of bidders on contracts for public works; revising the provisions governing such criteria; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 541—AN ACT relating to elections; requiring the word "Incumbent" to appear following the name of a candidate on a ballot under certain circumstances; requiring certain statewide measures proposed by initiative to appear on the ballot in a certain order; authorizing a voter who requests an absent ballot to authorize another person to return the ballot on his behalf; shortening the period for early voting; prohibiting the Secretary of State and city clerks from requiring candidates, other persons, committees or political parties to list each expenditure or campaign expense of $100 or less on certain forms; revising the period during which a candidate may solicit or accept or a lobbyist may make or offer to make any monetary contribution before a special session; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 5:30 p.m.

ASSEMBLY IN SESSION

At 5:31 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 22, 33, 93, 94, 101, 252; Senate Concurrent Resolution No. 23.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Fine, Olivia Roidan, Tauna Albertson, Stacy Gomez, Jose Becerra, Chris Packer, Kristine Moli, Erica Wynn, Ted Burfoot, Lavette Cospy, Omar Ahmad, Conraid Retana, John Nanaman, Cody Harkema, Derrick Fischer, Naghtyali Gutierez, Anmol Saloman, Isabel Hinojos, Taunie Willaman, Glendale Gallardo, Sergio Calvillo, Wendy Roidan, Christian Flores, Manuel Becerra, Elisa Mendoza, Lyla Chase, Brittany, Ringle, Jose Silva, Perry Jones, Aristotle Barangan, Aurelio Salazar, Gustavo Gutierrez, and Carlos Arrandia.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to D. J. Allen, David Chavez, and Beth Lowe.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Chelsea Jones.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Jeannie Root.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Maryah Purinton and Megan Scheel.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Sandi Niccum.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Nicole Pintar.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Jason McNutt.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Vanessa Leavitt.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Gubler.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Walker Hilton.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Woodbury.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Ray Rivera.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Terrill Trask.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Ann Ewing.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Fawn Cooper.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Trish Kent.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Trask.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Frame.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Bricker, Casey Gillham, Gary Bartlett, and Kathy Jacobs.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Shelly Johnson, Michael Johnson, Nicholas Johnson, Joan Bassett, Mark Bassett, Dorothy Boone, Shane Bybee, Chuck Christensen, Bev Cornutt, John Gianoli, Caroline McIntosh, Bob Miller, Karen Rajala, Kevin Robison, Wilma Sanford, Ed Spear, Virginia Terry, Bob Timko, and Terry Walker.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Chiappini.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Hal Keaton and Ronda Hornbeck.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Willia Chaney and Brenda Chaney.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, March 25, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:34 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 25, 2003

Assembly called to order at 11:31 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Brown and Pierce, who were excused.

Prayer by the Chaplain, Annette Donner.

O Thou Merciful God! O Thou Who art mighty and powerful! O Thou most kind Father! These servants have gathered together, turning to Thee, supplicating Thy threshold, desiring Thine endless bounties from Thy great assurance. They have no purpose save thy good pleasure, they have no intention save service to the world of humanity. O God! Make this assemblage radiant. Make the hearts merciful. Confer the bounties of the Holy Spirit. Endow them with a power from heaven. Bless them with heavenly minds. Increase their sincerity so that with all humility and contrition they may turn to Thy kingdom and be occupied with service to the world of humanity. May each one become a radiant candle, a brilliant star. May each one become beautiful in color and redolent of fragrance in the Kingdom of God. O kind Father, confer Thy blessings. Consider not our shortcomings. Shelter us under Thy protection. Thou art the Powerful. Thou art the Giver. Thou art the Beneficent.

ABDUL-BAHA.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 24, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 27, 46, 129.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 205.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 3.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblywoman Leslie.

Resolution adopted.

Senate Concurrent Resolution No. 4.

Assemblyman Parks moved the adoption of the resolution.

Remarks by Assemblyman Parks.
Resolution adopted.

Senate Concurrent Resolution No. 5.
Assemblyman Hardy moved the adoption of the resolution.
Remarks by Assemblyman Hardy.
Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 205.
Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 71.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:
Amendment No. 14.
Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:
"Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:
1. The Division may charge fees for advertising:
(a) In printed materials prepared by the Division; and
(b) On a website on the Internet or its successor that is maintained by the Division.
2. Any money collected by the Division pursuant to subsection 1 must be:
(a) Deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund; and
(b) Used to pay the expenses of the Division including, without limitation, expenses incurred in the development, production and distribution of:
(1) Printed materials prepared by the Division;
(2) Materials used by the Division on the website maintained by the Division; and
(3) Any informational and educational materials provided by the Division for the purposes described in subsection 1 of NRS 501.343.
Sec. 2. This act becomes effective on July 1, 2003.".
Amend the title of the bill by deleting lines 6 through 10 and inserting: "by the Division; and providing other matters properly relating thereto.".
Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes Division of Wildlife of State Department of Conservation and Natural Resources to charge fees for advertisements on its website and in printed materials prepared by Division. (BDR 45-479)".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 23.

Amend section 1, page 1, lines 4 and 5, by deleting: "~~[of not more than $250]~~" and inserting: "of not more than ~~[$250]~~ *$500*".

Amend the title of the bill, second line, by deleting: "eliminating the limit on" and inserting "increasing".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 248.

Bill read second time and ordered to third reading.

Assembly Bill No. 306.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 302 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 25, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 24.

MARY JO MONGELLI
Assistant Secretary of the Senate

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

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 24.
Assemblyman Griffin moved the adoption of the resolution.
Remarks by Assemblymen Griffin, Collins, Goldwater, and Perkins.
Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 8.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Monte Miller.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Horton, Walter Stucka, Michael Bratzler, Jacquelyn Burhans, Amanda Bussard, Megan Dinkins, Tayler Eriksen, Katelyn Eutsler, Ronald Fleeman, Alexander Flores-Greer, Emily Gray, Alexander Greene, Aaron Johnson, Kyle Klein, Trey Puckett, Harrison Rader, Cory Ramelli, Omar Ramos, Crystianna Reyna, Nicholas Richwine, Kyle Robbins, Benjamin Sanders, Aaron Taylor, Jenie Villanueva, Kyle Coffman, Sonny Diaz-Hernandez, Matrix Dufek, Jessica Farran, Kaiulani Hall, Maybritt Hirvela, Morgan Horton, Kristopher Kumanchik, Caitlin Lankford, Holly Lark, Joseph Lesar, Paul Martinez, Jocelyn Motter, Mariah Phillips, Katherine Robinson, Amanda Rodriguez, Leslie Ryssman, Casey Smith, Carlos Soler-Marquez, Chohnny Sousa, Anette Swindle, Bill Dinkins, Kathy Dufek, Kim Farran, and Blake Tout.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mylan Hawkins, Irene Smith, Pat Klepzig, Bob Fisher, and Claude K. Lardinois.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Capurro.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Wark, Mike Montandon, Robert List, Joe Brown, and Lynn Wiesner.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Limoges, Tod Limoges, Jordan Limoges, Conner Limoges, Taylor Limoges, and Peyton Limoges.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Riya Jaimes and Kristin Dubendorff.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Tuntland and Pat Dondero.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Oceguera and Stacy Gonzales.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Weber.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, March 26, 2003, at 11:30 a.m., and that it do so in memory of Marine Second Lieutenant Frederick E. Pokorney, Jr.

Motion carried.

Assembly adjourned at 12:15 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 26, 2003

Assembly called to order at 11:40 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Bishop Joseph A. Pepe.

A Jewish maiden was called and accepted a role that changed the western world. The gift she received she nurtured, protected and brought forth. In this spirit, let us pray. Almighty God, may we receive Your gifts humbly. May we nurture them honestly and truly. Give us sense of openness and vision to appreciate the individual as well as the common good. May dignity of each person, regardless of age, race, ethnicity be one of our truest gifts to protect so that through our deliberations we may give a new day to citizens of Nevada, to live in justice, peace, and freedom.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 105, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 270, 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 25, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 12.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Titus, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 11—Recognizing the efforts of the Nevada Music Educators Association.

WHEREAS, Music education stimulates the school setting and enhances the morale of pupils as well as the quality of the school environment; and

WHEREAS, Since there is a direct correlation between music instruction and aptitude in math and science, and because pupils develop a better understanding of history and culture through the study of music, music education stimulates not only the environment of a school but also the academic curriculum; and

WHEREAS, The positive effects of music education that emanate from the school environment expand to society in general because pupils learn skills in communication and interaction with others and because pupils who participate in school music programs are less likely to be involved with drugs, alcohol, or delinquent or criminal behavior; and

WHEREAS, Music education develops personal confidence as pupils acquire performance skills and participate in musical productions; and

WHEREAS, The study of music contributes to the overall development of young people by teaching them skills such as abstract reasoning, listening, reading, self-expression, creativity, teamwork and self-discipline; and

WHEREAS, Music education is a powerful force in broadening the horizons of young people and teaching them the skills necessary to succeed in the 21st Century; and

WHEREAS, The Nevada Music Educators Association is an association composed of dedicated persons who have chosen a profession in the field of music education; and

WHEREAS, The mission of the Nevada Music Educators Association, which serves all music educators in Nevada, is "to promote music education, to ensure its inclusion in all students' core curriculum, and to guarantee quality musical experiences for all learners"; and

WHEREAS, All officers and all members who serve on committees of the Nevada Music Educators Association are volunteers who are dedicated to carrying out the mission of the Association; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature believe it is vital that every pupil have access to music education programs; and be it further

RESOLVED, That it is important to recognize the benefits of music education for pupils and for our society in general; and be it further

RESOLVED, That the members of the 72nd Session of the Nevada Legislature recognize and commend the efforts of the Nevada Music Educators Association in ensuring a music education for all young people; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to David Branson, past President for the Western Division of MENC, the National Association for Music Education.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 11 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 12.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 25.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 25.
Assemblywoman Gibbons moved the adoption of the resolution.
Remarks by Assemblywoman Gibbons.
Resolution adopted unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 71.
Bill read third time.
Remarks by Assemblyman Claborn.
Roll call on Assembly Bill No. 71:
YEAS—42.
NAYS—None.
Assembly Bill No. 71 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 153.
Bill read third time.
Remarks by Assemblyman McCleary.
Roll call on Assembly Bill No. 153:
YEAS—42.
NAYS—None.
Assembly Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 248.
Bill read third time.
Remarks by Assemblyman Collins.
Roll call on Assembly Bill No. 248:
YEAS—41.
NAYS—Giunchigliani.
Assembly Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 302.
Bill read third time.
Remarks by Assemblyman Gustavson.
Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.
Roll call on Assembly Bill No. 302:
YEAS—36.
NAYS—Collins, Goldwater, Horne, Leslie, Oceguera, Perkins—6.

Assembly Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 306.

Bill read third time.

Remarks by Assemblyman Andonov.

Roll call on Assembly Bill No. 306:

YEAS—42.

NAYS—None.

Assembly Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 27, 46, 129; Assembly Concurrent Resolution No. 9; Senate Bills Nos. 57, 77.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bishop Phillip Straling and Bishop Joseph A. Pepe.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Ilda Garrido-Ramirez.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Naomi Gusman.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Murdock.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Harry York.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Somer Hollingsworth.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Redman.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Rodriguez and Bob King.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to David Lear, Karna Thorson, Susan Mayes Smith, Rick Lewis, Carolyn Ferraro, Greg Ferraro, Michael Pennington, Wayne Archer, Sandy Holloman, Moya Tsatsos and Signa Pendegraft.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Mix.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Jim DeVolld.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Nemiz, Maria Alvarado, Jose Barraza Villalvazo, Jonathan Basurto, Janice Batres, Angel Raul Chavez, Jonathan Figueroa, Ana Garcia, Luz Garcia, Edith Garcia-Martinez, Maricela Gutierrez, Jennifer Lopez Rios, Daisy Marquez, Rico Martinez, Francisco Miquel, Carmen Mora, William Orlick, Sisilia Pahulu, Alejandro Perez, Cassandra Pike, Tenika Reed, Marianna Robles, Alexander Shropshire, Robert Manuel Soberano, Tiana Terrell, Micahel Thomas, Quan Vong, Kristen Beck, Adanary Aguirre, Xzavier Barr, Vivian Bolanos, Nicholas Brown, Zachary Cox, Moises Farias, Sarahi Felix, Ericka Garcia-Martinez, Victor Gomez, Brizeida Gonzalez-Mendoza, Miguel Haro, Stacey Jimenez, Veronica Jimenez, Cassaundra Kennedy, Hope Kirker, Brooke Kitchen-Ingram, Marvin Martinez, Juan Ojeda, Maria Paniagua, Santosh Somu Raja, Diana Ramos, Joanna Ramos, Sha'Dana Reed, Jose Rodriguez, Jose Luis Rodriguez, Fabian Salazar, Dameon Varnum, Shawnie Marshall, Becky Gauthier, Claude-Eunix Alberto, Ana Avila, Eric Batres, Brenda Cartagena, Celeste Corona-Zendy, Rebekkah Deguzman, Jose Escobedo-Chavez, Denise Garcia Aranda, Ivan Garcia-Martinez, Gilberto Gomez, Whitney Hibbard, Edgar Jara, Myria McCabe, Keisha Mendez, Ahbran Miguel-Gomez, David Plascencia, Krishnan Raja-Rama, Tre' vonn Robinson, Alex Rodriguez, Jose Rodriguez, Taylor Skipwith, Erik Manuel Soberano, Ivan Stevenson, Jennifer Ticas, Shanwa Trammell, Christopher Valdez, Maria Vallejo, Gloria Vargas, Annissa Vonner, Elizabeth Santa-Cruz, and Daniel Torgerson.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Ferraro, Doug Scheppmann, Bryan Nix, Andrea Anderson, Vicki Mayes, and John Sullard.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Reynolds.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Rich Lenkel.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Klein.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Streets.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Lawson Fox.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Larma Volk.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Michael.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Jay Stearley.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 27, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:22 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 27, 2003

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, James Sadilek.

O Thou kind Lord! These are Thy servants who have gathered in this meeting, have turned into Thy kingdom and are in need of Thy bestowal and blessing. O Thou God! Manifest and make evident the signs of Thy oneness which have been deposited in all the realities of life. Reveal and unfold the virtues which Thou hast made latent and concealed in these human realities. O God! We are as plants, and Thy bounty is as the rain; refresh and cause these plants to grow through Thy bestowal. We are Thy servants; free us from the fetters of material existence. We are ignorant; make us wise. We are dead; make us alive. We are material; endow us with spirit. We are deprived; make us the intimates of Thy mysteries. We are needy; enrich and bless us from Thy boundless treasury. O God! Resuscitate us; give us sight; give us hearing; familiarize us with the mysteries of life, so that the secrets of Thy kingdom may become revealed to us in the world of existence and we may confess Thy oneness. Every bestowal emanates from Thee; every benediction is Thine. Thou art mighty, Thou art powerful. Thou art the Giver, and Thou art the Ever-Bounteous.

ABDUL-L-BAHA.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 118, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TOM COLLINS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 137; Senate Bills Nos. 173, 198, 200, 233.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 11.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 12—Memorializing former Assemblyman and public servant Carl Shelly.

WHEREAS, The members of the Nevada Legislature note with sadness the passing of Carl Shelly on May 25, 2002, and recall that he was the last surviving member of any Legislature that convened during the 1930s and 1940s; and

WHEREAS, Carl B. Shelly, the son of Brady Michael and Marie Bunda Shelly, was born in Truckee, California, on March 16, 1905, and moved to Sparks with his family that same year, which, coincidentally, was the year the City of Sparks was incorporated; and

WHEREAS, Carl Shelly attended school in Sparks, delivered newspapers by horse and buggy, graduated from Sparks High School where he played on that school's very first football team and was attending the University of Nevada, Reno, when he met and married Barbara Bulmer in 1926; and

WHEREAS, At the age of 28, Carl Shelly was elected to the Sparks City Council, and in 1934 he was elected to represent Washoe County as an Assemblyman, a position he retained for three sessions of the Nevada Legislature from 1935 through 1939, during which he was appointed to many committees, including the Committee on Corporations and Railroads for all three sessions and the Committee on Education for two sessions; and

WHEREAS, After leaving the Assembly, Carl Shelly continued to work for his community during his five terms as a Washoe County Commissioner and as Chairman of the Civil Defense Organization for Washoe County during World War II; and

WHEREAS, Carl Shelly was active in the National Association of County Officials, served as President of the Nevada State Welfare Board and, in 1954, was appointed by

President Eisenhower to the United States Advisory Commission to UNESCO, the United Nations Educational, Scientific and Cultural Organization; and

WHEREAS, Carl Shelly's involvement in the business community included owning and publishing the Sparks Tribune with his wife, Barbara, from 1950 until 1960, operating the Sparks Fuel Company for many years with his father and brother, founding the Modern Home Mart and owning the Shelly Hardware Stores in Reno and Sparks; and

WHEREAS, Nonprofit organizations also knew the zeal of Carl Shelly who was a charter member of the Sparks Rotary and was honored by the Sparks Masonic Lodge for his membership which spanned 75 years; and

WHEREAS, Carl Shelly's foremost volunteer passion was the preservation of the history of "The Rail City" through his support of the Sparks Heritage Museum which he helped found in 1985 and which now proudly displays an outstanding collection of wood carvings created by Carl in his later years; and

WHEREAS, Carl Shelly's knowledge of the history of Sparks was a tremendous resource and he often spoke to classes at area schools who heard him declare with pride that he and the City of Sparks were the same age; and

WHEREAS, Carl Shelly, whose wife, Barbara, predeceased him, is survived by his children, Alice Schafer and Bruce Shelly, five grandchildren and seven great-grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 72nd Session of the Nevada Legislature extend their sincere sympathy to the family and friends of Carl B. Shelly; and be it further

RESOLVED, That the Sparks Heritage Museum will stand as a reminder of the enthusiasm of Carl Shelly who was instrumental in preserving the history of his city; and be it further

RESOLVED, That the example of Carl Shelly's service to the political and economic welfare of his community will encourage the residents of Nevada to share their interests and talents for the good of this state; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Carl Shelly's children, Alice Schafer and Bruce Shelly.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

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

ASSEMBLYMAN ANDERSON:

Every community has its heroes, those people who play a central role in its theme and development. So also the City of Sparks. It's a relatively young community, not quite 100 years old. Its early character and development was centered around the railroad and the shops that supported the city's main industry. In any community, the development of a good newspaper is an essential element, both of its pride and its identity. When I was a child, the publisher of the Sparks Tribune, the local newspaper and weekly shopper for the city, was Carl Shelly.

I ran around with Carl Shelly's nephew, Casey. Casey, "Thumper" Hills, and I were the "Three Musketeers." We lived on the same block and went to kindergarten and first grade together. We determined that if we could deliver the newspaper, we would be able to make some money. So, we followed the delivery of the Tribune, at the time a free weekly shopper, and collected them at Casey's house. That evening, when my mother went looking for her newspaper to figure out her shopping list for the week, there was no newspaper. She called Mrs. Shelly. Mrs. Shelly explained that they were accumulated on the back porch. We, of course, were delegated to return the newspapers and explain to each of our neighbors why we had borrowed them. The next day, we were directed to speak to Mr. Shelly. We covered a nine block area, so you can imagine that we had done a pretty good job. Carl remained, as usual, his normal, calm self and explained to us that he wished we wouldn't do it anymore and thanked us for returning them.

The following year, Carl offered me a job as a newspaper delivery boy. "After all," he said, "I think you know the route." In high school, I was part of the school newspaper and on the

newspaper staff; one of my jobs was to make sure the final copy got to the Tribune, which was our publisher. Again, I had to deal with Carl Shelly.

Wherever I look in my community, I see the work of Carl Shelly. He started a hardware store in the first shopping center developed in my community after World War II. It was one of those hardware stores where you could walk in and people actually helped you find the right tool, the right washer, and explained how it really worked, so that you could fix your problem yourself. He even did that for men, not just for women. I know that was very, very helpful. Carl Shelly was that kind of man. His work with the museum showed this. He was caring, always saying that every job needed to be accomplished. He was there to make sure things happened. While this resolution lists many of his accomplishments as a legislator and county commissioner, it was that quiet determination, that force which made things happen. "Keep it calm, keep it moving, we'll take care of it, it will happen." That kind of legacy to a community can never ever be fully repaid, but it stands upon those shoulders, the shoulders of giants. Carl Shelly was one of those individuals.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 12 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 227, 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 173.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 198.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committee on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 200.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 233.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 7.

Bill read second time.

The following amendment was proposed by the Concurrent Committee on Judiciary:

Amendment No. 68.

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 14, to read as follows:

"Sec. 15. This act becomes effective on July 1, 2003.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 29.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend sec. 5, page 5, line 31, by deleting: "*illness or has a*" and inserting "*illness*.".

Amend sec. 5, page 5, by deleting line 32.

Amend the title of the bill, third and fourth lines, by deleting: "revising the aggravating circumstances for murder of the first degree;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to penalty hearing when death penalty is sought and revises mitigating circumstances for murder of first degree. (BDR 14-198)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 22.

Amend section 1 page 1, line 3, after "*degree*" by inserting: "*in a case in which the death penalty is sought*"

Amend section 1, page 1, line 4, by deleting "*before his*" and inserting: "*not less than 10 days before the date set for*".

Amend section 1, page 1, by deleting line 7 and inserting: "*court must:*

(a) Stay the proceedings pending a decision on the issue of mental retardation; and

(b) Hold a hearing within a reasonable time before the trial".

Amend section 1, pages 1 and 2, by deleting lines 9 through 12 on page 1 and lines 1 through 7 on page 2.

Amend section 1, page 2, line 8, by deleting "*4.*" and inserting "*3.*".

Amend section 1, page 2, by deleting lines 9 and 10 and inserting:

"*(a) Provide evidence which demonstrates that the defendant is mentally retarded not less than 30 days before the date set*".

Amend section 1, page 2, line 16, by deleting "*5.*" and inserting "*4.*".

Amend section 1, page 2, line 19, by deleting "*4.*" and inserting "*3.*".

Amend section 1, page 2, line 20, by deleting "*6.*" and inserting "*5.*".

Amend section 1, page 2, line 22, after "*evidence*" by inserting: "*and conduct a cross-examination of any witness*".

Amend section 1, page 2, line 23, after "*retarded;*" by inserting "*and*".

Amend section 1, page 2, line 25, by deleting "*retarded; and*" and inserting "*retarded.*".

Amend section 1, page 2, by deleting lines 26 through 29.

Amend section 1, page 2, line 30, by deleting "*7.*" and inserting "*6.*".

Amend section 1, page 2, line 33, after "defendant." by inserting: "*Such a finding may be appealed to the Supreme Court.*".

Amend section 1, page 2, by deleting lines 34 through 38 and inserting:

7. For the purposes of this section, "mentally retarded" means significant subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior and manifested during the developmental period.".

Amend the bill as a whole by renumbering sections 3 through 5 as sections 5 through 7 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. NRS 175.554 is hereby amended to read as follows:

175.554 In cases in which the death penalty is sought:

1. If the penalty hearing is conducted before a jury, the court shall instruct the jury at the end of the hearing, and shall include in its instructions the aggravating circumstances alleged by the prosecution upon which evidence has been presented during the trial or at the hearing. The court shall also instruct the jury as to the mitigating circumstances alleged by the defense upon which evidence has been presented during the trial or at the hearing.

2. The jury or the panel of judges shall determine:

(a) Whether an aggravating circumstance or circumstances are found to exist;

(b) Whether a mitigating circumstance or circumstances are found to exist; and

(c) Based upon these findings, whether the defendant should be sentenced to life imprisonment with the possibility of parole, life imprisonment without the possibility of parole or death.

3. The jury or the panel of judges may impose a sentence of death only if it finds at least one aggravating circumstance and further finds that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.

4. If a jury or a panel of judges imposes a sentence of death, the court shall enter its finding in the record, or the jury shall render a written verdict signed by the foreman. The finding or verdict must designate the aggravating circumstance or circumstances which were found beyond a reasonable doubt, and must state that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.

5. If a sentence of death is imposed, the defendant may file a motion to set aside the penalty on the grounds that the defendant is mentally retarded. If such a motion is filed, the court shall conduct a hearing on that issue in the manner set forth in section 1 of this act. If the court determines pursuant to such a hearing that the defendant is mentally retarded, it shall set aside the sentence of death and order a new penalty hearing to be conducted. Either party may appeal such a determination to the Supreme Court.

Sec. 4. NRS 176.415 is hereby amended to read as follows:

176.415 The execution of a judgment of death must be stayed only:

1. By the State Board of Pardons Commissioners as authorized in Sections 13 and 14 of Article 5 of the Constitution of the State of Nevada;

2. When a direct appeal from the judgment of conviction and sentence is taken to the Supreme Court;

3. By a judge of the district court of the county in which the state prison is situated, for the purpose of an investigation of sanity or pregnancy as provided in NRS 176.425 to 176.485, inclusive; ~~[or]~~

4. *By a judge of the district court in which a motion is filed pursuant to subsection 5 of NRS 175.554, for the purpose of determining whether the defendant is mentally retarded; or*

5. Pursuant to the provisions of NRS 176.486 to 176.492, inclusive.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 21.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend sec. 3, page 3, by deleting lines 15 and 16.

Amend sec. 3, page 3, line 17, by deleting "*(j)*" and inserting "*(i)*".

Amend sec. 3, page 3, line 20, by deleting "*(k)*" and inserting "*(j)*".

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 2 and 3.

Amend the title of the bill to read as follows:

"AN ACT relating to criminal procedure; expanding the crimes for which a defendant is required to submit a biological specimen when he is found guilty; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 105.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 15.

Amend section 1, page 1, by deleting lines 9 and 10.

Amend section 1, page 1, line 11, by deleting "*(b)*" and inserting "*(a)*".

Amend section 1, page 1, line 13, by deleting "*(c)*" and inserting "*(b)*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 54.

Amend section 1, page 2, line 6, by deleting "*must*" and inserting "*may*".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 113.

Amend sec. 2, page 2, line 23, by deleting "*$500*" and inserting "*$3,000*".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 270.
Bill read second time and ordered to third reading.

Assembly Bill No. 318.
Bill read second time and ordered to third reading.

Assembly Bill No. 361.
Bill read second time and ordered to third reading.

Assembly Bill No. 396.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolutions Nos. 3, 4, 5, 24.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to John Ascuaga, Alice Schafer, and Bruce Shelly.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Leann Horton and Niko Nelson.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Shawn Frost and Lisa Marie Lightfoot.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to John Burt, Dani Culbert, and Deeann Krempel.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Burdish, Jeffrey Burkett, Heidi Harris, Alan Stock, Deborah Reschke, Katie Hunt, and Pat Lee.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Montoya, Karalyn Vavra, Brandi Leoni, and Amy Bonar.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Moises Denis and Holly Schlotzhauer.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Lora Minter and Lanya Palmrose.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Baxter, Cory Malmstrom, Gary Malmstrom, and Margaret Baxter.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Deborah Reschke, Electra Smith, and Shawna Robinson.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Welch, Katie Hunt, Lise-Lott Newell, and Tina Waldron.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Juliana Zaremba and Kurt Jackson.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Lee, Jan Hillegass, Cassie Garnier, and Ellen Kingsley.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Stacy Sorensen, Julian Barker-Hill, and Lisa Hill.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Remington, Holly Buchanan, Trish Sietsema, Josh Sietsema, and Christopher Sietsema.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Linda McCutcher and Robin Munier.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Ray Lowrey, Katie Green, and Denise Green.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Kerry Penn, Brandon Lawrence, and Brenda Kennedy.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Mayes and Stephanie Maynes.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Weinheimer, Ashly Wilson, and Lindsey Viola.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Shane Murray and Kathy Murray.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Lillian Hellman and Cody Olson.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Kelsey Viola, James Huckaby, Jane Boudreau, Tracy Gruber, Jennifer Luchetti, Leslie Hallman, Parker Brandt, Virginia Cervantes, Jeremiah Crawford, Shane Fencl, Cassidy Curtis, Tyra Fontana, Becky Glocknitzer, Brianna Hinson, Anthony Jacobs, Blake Keenan, Josh Lee, Richelle Littlejohn, Grant Mason, Sierra Montana, Tylar Negrete, John Patterson, Samantha Phillips, Jordan Pruitt, Aaron Ramos, Meagan Slater, Savannah Smith, Heather Van Cleave, Chase Weatherbee, Alexandra Fagan, Brandon Greenwood, Brenda Vandenberg, Brennan Grau, Carly McCullough, Chelsea Voss, Cody Thoma, Dani Trujillo, David Corbitt, Erin Allison, Hayley Anderson, Jacob Swisher, Jasmine Martinez, Joe Stepanian, Kaylie Salas, Leilani Salter-Arms, Lewie Bartone, Mary Coker, Naomi Roberts, Natalie Freitas, Nicole LaMaina, Sky Hackler, Steven Pearce, Tyler Belanger, Emily Arnold, Josh Boelter, Vincent Cargill, Bryan Cook, Tara Chitwood, Donovan Cudney, Roy Dornbrook, Erika Duarte, Shannon Dugan, Christina Erb, Josh Frias, Colin Inwood, Keely Latham, Alex Petri, Sarah Koontz, Cheyenne Newton, Taryn Olivera, Brett Parks, Anthony Marangi, Kaylee Super, Colten Halverson, Kyle Tom, Ethan White, and Bryonna Winberg.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Young and Ashley Drake.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Kara Nelson, Ron Laylon, and Patty Robson.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jacki Ford and Virginia Bowman.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Robertson, Ryan Pierce, Robin Hastings, and Ruth Barber.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda S. Montoya, Jennifer Agnew, Tracy Rathbun, and Cynthia Hito-Oden.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Capps.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Rounds, Jackie Green, and Sariah Young.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Sealy and Sara Hillerman.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Pam Robinson and Lena LaFlame.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Parker and T. J. Matheus.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Paulk, Annette Keirn, and Amanda Keirn.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Tate and Shannon Brents.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Blanchard, Cheré Brown, Heidi Wachter, Kaylie Allen, Tracy Schmid, and Denise Uber.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Glynis Stirling and Rochelle Christian.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Jessa Wagner, Eddie Stidham, April Benamati, and Kara Spracklin.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Santa Lawrence and Heather Mathews.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Janison, Loretta Ebe, Felton Thomas, and Travis Renslow.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, March 28, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-FOURTH DAY

CARSON CITY (Friday), March 28, 2003

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Catherine Thayer.

O God, my God! Aid Thou Thy trusted servants to have loving and tender hearts. Help them to spread, amongst all nations of the earth, the light of guidance that cometh from the company on high. Verily, Thou art the Strong, the Powerful, the Mighty, the All-subduing, the Ever-giving. Verily, Thou art the Generous, the Gentle, the Tender, the Most Bountiful.

ABDUL-L-BAHA.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 178, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 27, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 12.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 75.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 131.

Amend sec. 8, page 3, line 21, by deleting "~~[shall]~~ *may*" and inserting "shall".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 118.

Bill read second time and ordered to third reading.

Assembly Bill No. 175.

Bill read second time and ordered to third reading.

Assembly Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 132.

Amend sec. 7, page 5, line 3, by deleting: "*15th day of each month,*" and inserting: "*date specified for each reporting period established pursuant to subsection 7,*".

Amend sec. 7, page 5, line 5, by deleting "*previous month.*" and inserting "*reporting period.*".

Amend sec. 7, page 5, line 8, by deleting "*previous month.*" and inserting: "*reporting period.*

7. The Director shall adopt regulations establishing reporting periods and dates for filing reports pursuant to subsection 6.".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 445.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Assembly Bill No. 445 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 14, 15, 55, 105, 199, 247, 270, 318, 361, and 396 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Damon, Karen Ellis, Tammie Stockton Sean Higgins, Jean Donley, Veronica Peterson, Matt Payne, Joann Eastman, Megan Williford, Valerie Kyte, Lesley Schmidt, Christen Vice, Guadalupe Muniz, Diane Bowers, Darshna Patel, Sherry Shrom, Tammy Staup, Zachary Blaine-Donley, William Burns, Jenelle Chattin, Elizabeth Chavez, Sheena Combe, Rebecca Delumeau, Stephani Dominguez-Ayala, Alexander Fenwick, Viridiana Franco, Victor Jimenez, Kyle Kuczynski, Kellsie Lartigue, Edwin Lozano, Danilo Martinez, Brandon Nolan, Olivia Nordhoff, Christian Pascual, McKenna Payne, Eric Perez, Austin Petersen, Ramiro Rivas, Chloe Rivers, Adrian Robles, Rochelle Tinsley, Ivanna Wall, Alyssa Yacks, Kristina Avilla, Sumayya Beekun, Courtney Brown, Pablo Cantillo, Justin Clifford, Nicole Eastman, Mauricio Fabela, Shelby Forman, Lauren Graham, Francisco Herrera, Elijah Hodge, Shelbi Iseman, Austin Johnson, Zachary Moore, Teresa Nutter, Lillian Ponce, Christian Roberts, Khrystyna Roberts, Irene Santos, Christian Slater, Joo Song, Zachary Terry, Courtney West, Zachary Williford, Mariah Wimbish, Christopher Wolken, Rachel Adame, Erandi Aguirre, Tanner Denham, Carlee Fischer, Johnathan Geisler, Ty Glownniak, Evelyn Hadsall, Anthony Kimpan, Nathan Kyte, Erika Lange, Jacob Lealtad, Kimberly Martinez, James McCollum, Johnathan Motter, Iliana Muniz, Andrew Schmidt, Aaron Simpson, Miranda Sweet, Evelyn Valenzuela, Alexander Vargas, Michael Victorian, Kevin Washburn, Ada Weninger, Andrew Wolken, Michael Bowers, Miqueas Cabral, Keith Cherti, Rachel Durbin, Lauren Goodman, Sam Hahn, Christopher Herriage-Todaro, Gregory Hurn, Marcus Jiemar Lapuz, Francisco Martinez, Alejandra Mendoza, Brandon Mondragon, Bryan Nolan, Keyuri Patel, Eric Piepmeier, Michael Rawlinson, Ismael Reyes, Yvonne Sanchez, Shelby Shrom, Alyssa Southworth, Samuel Staup, Savanna Victorian, and Anthony Wells.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Lancaster.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 31, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:21 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), March 31, 2003

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Richard Campbell.

Most Gracious God, we humbly pray to You for the people of this nation in general and the citizens of Nevada in particular. Our special prayers go out to all those men and women who are serving our country in these perilous times. Be gracious to us all this day. Especially bless this Assembly as it deliberates on our behalf. May its actions be to Your glory and to the safety, honor, and welfare of the people. May their work this day be upon the best and surest of foundations, that peace, happiness, truth, and justice may be established among us. Accept now our thanksgiving for Your presence in our lives. We pray in Your glorious name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 182, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 139, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 67, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 30, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 57, 268, 281, 314, 329, 332, 341, 357, 366, 371, 372, 387, 392, 430, 463, 464, 473, 474, 475, and 480.

MARK STEVENS
Fiscal Analysis Division

By Assemblymen Parks, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Perkins, Pierce, Sherer, Weber, and Williams; Senators Rawson, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 13—Designating March 31, 2003, as Homeless Awareness Day in Nevada.

WHEREAS, The *2002 Needs Assessment* report from the Division of Mental Health and Developmental Services of the Department of Human Resources indicates there were 7,612 people in homeless shelters in Las Vegas and Reno in the year 2000, with a need to serve at least 16,049 people, and with 42 percent of these being families with children under 18 years of age; and

WHEREAS, Recent estimates from service and housing providers indicate there are at least 16,300 literally homeless and precariously housed people in the greater Las Vegas area and approximately 6,500 literally homeless and precariously housed people in the Reno and Sparks area; and

WHEREAS, Nationally, approximately 11 percent of homeless people are veterans, but nearly one-third of the homeless population in Clark County are veterans; and

WHEREAS, In Nevada, approximately 55 percent of the homeless population are white, 35 percent are African-American and 10 percent are Latino; and

WHEREAS, Studies indicate that between 70 and 80 percent of the homeless people in Nevada are unemployed, while those who are employed work day-labor jobs earning less than $400 a month; and

WHEREAS, According to service and housing providers, the major barriers homeless people face in trying to find employment are the lack of child care, unmet needs regarding transportation, disqualifying criminal backgrounds, inability to afford a Sheriff's card or other costs, and potential employers' distrust and lack of understanding about their situation; and

WHEREAS, The "Focus on Homeless Families with Children Policy Academy," a federally sponsored program consisting of key state and local administrators, state Legislators and nonprofit executives has prepared a "State Action Plan," and continues to meet and gather data on various aspects of homelessness, including establishing baseline data on the homeless client population, developing an inventory of affordable housing units, and developing an inventory of services for homeless clients; and

WHEREAS, The Task Force for the Fund for a Healthy Nevada awarded Community Chest, Inc., a grant of $89,000 for Fiscal Year 2003-2004 and $25,000 for Fiscal Year 2004-2005 to create a documentary on homeless youth in Nevada; and

WHEREAS, The members of the Nevada Legislature recognize the outstanding efforts of the numerous state and local governmental agencies and various nonprofit entities dedicated to fighting the homeless problem in the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 31, 2003, is hereby designated as Homeless Awareness Day in Nevada; and be it further

RESOLVED, That the members of the 72nd Session of the Nevada Legislature hereby express their commitment to creating a greater public awareness of the problem of homelessness in Nevada and to continue to work cooperatively to solve this problem; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Marybel Batjer, Chief of Staff to Governor Kenny C. Guinn and Chairman of the Nevada Policy Academy Team on Homeless Families with Children.

Assemblyman Parks moved the adoption of the resolution.

Remarks by Assemblymen Parks, Buckley, Ohrenschall, and Gibbons.

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

ASSEMBLYMAN PARKS:

Thank you, Mr. Speaker. There is a homeless problem in Nevada, as well as the United States, and it will not go away. In fact, it is getting much worse every year. One of the reasons this is not a popular topic to talk about is that we live in the greatest country in the world, and we have tens of thousands of men, women, and especially children, wandering our streets with no place to call home. This is truly a national tragedy. This is not a Republican or Democratic problem. This is not someone else's problem; it's our problem and we must find a way to solve it.

Many of us have numerous options in our lives. It's hard to imagine becoming homeless because we know we have many alternatives to being on the street. This is not true for most people who are, in fact, homeless. They have run out of good options. That's why they are on the street. They constantly have to choose very limited, mostly unattractive, alternatives that usually don't do much to improve their lives. These limited options are what keep people trapped on the street. They are frustrated, in crisis, trying to beat the odds. Sometimes, after all options seem exhausted, people stop trying. They have a "Hobson's choice." This is defined in the dictionary as the choice of taking the things offered or nothing at all. People are not homeless on their own terms. They work with the options they have.

I'd like to close by citing a portion of a song I know all of us have heard by Phil Collins. It is from the song, "Another Day in Paradise":

She calls out to the man on the street,
"Sir, can you help me?
It's cold and I've nowhere to sleep,
Is there somewhere you can tell me?"

He walks on, doesn't look back.
He pretends he can't hear her.
Starts to whistle as he crosses the street.
Seems embarrassed to be there.

Oh think twice, it's another day for
You and me in paradise.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I rise in support of ACR 13. I can't imagine what it would be like to live on the street. I can't imagine not getting up every day and coming to my job or public career like I have here, thankful to be at my job and doing public service. I can't imagine not having a warm family, a beautiful home to go to every night—to feel abandoned. Especially for those who don't choose to be homeless, but are homeless because they came to Nevada seeking a good job but did not find one, then received a five-day eviction notice. Or for those who choose to live on the street because "Things are so bad, I don't want to go back to my home." I can't imagine anything worse.

The homeless problem is viewed as being difficult and intractable. I don't think it is at all. I think what we do is we try to save people, one person at a time. We have shelters so that people don't die on the streets. For those who want help, who want jobs, we help them get them.

When I was the president of the Southern Nevada Homeless Coalition in 1991, I think it was the most difficult job that I had. The solutions were pretty clear, but political will was nowhere to be found. I don't think the situation is much different today and that is sad. The one strength, though, that we do have all over the state, are the tremendous people who work every day to make it different, whether they are faith-based organizations that do so much of this work; or whether they are nonprofit groups like the Nevada Health Centers, Shade Tree, and others; whether it's county and city staff, who do such a good job on this issue, but perhaps don't get the support they need from up top; whether it's advocates. We have one such advocate who is not affiliated with any group, but just goes out every day to try to save people. They are our resources and the only progress we are making, I think, is because of them. I think as we turn our attention to this Homeless Awareness Day, let's do all that we can to try to bring attention to this problem and to support those who are out on the streets every day, trying to make a difference.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. I think it is important, as we vote for it, that we realize that it's not a situation of "us" trying to help "them." They really are not different from any of us in this room. There, but for the grace of God, could go any of us. One small investment gone wrong, one necessary layoff because of an economy gone bad, and someone could suddenly end up homeless. That is why we have to acknowledge our brothers and sisters and their problems and try to be there to help them. Thank you.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I, too, rise in support of ACR 13. Having had a business in downtown Reno for many years, the homeless problem is more than what we really would want to recognize. It is all around us. I saw it every day. Of course, in those early years, in the early 1970s, when I first opened my business, I wanted to help them. There weren't all these regulations. Many times, I would have a few of them sleep in the basement of my office. I'm sure now there would be no way I could do that. However, I did get acquainted with some of them very well. A lot of times they would be hungry and would dollar me to death or five-dollar me to death. I learned a lot, however, from them. Some people ended up becoming hard on their luck. They had been successful, a lot of times, previously, in areas of their life. Circumstances just happened to get the best of them.

People remember when you reach out to help. I want to share this story that is personal. I hope you don't find it offensive because it is very precious and sweet. This gentleman had been homeless and I had seen him many times, and he came to visit me often. He shared with me some of the stories of the street, but, as you know, it gets very cold in Reno and sometimes he wasn't able to find shelter. If I wasn't there late at night, I was unable to let him into my business. One night, he died. I did not know about it for a few weeks. I was then contacted by the police and was told he had left me something. It was his ashes. I think that is very precious because it showed that he didn't have anything to give but what he did have he wanted for me to remember and share with other people. I think it is a unique opportunity. I have never told this story publicly to anyone but I wanted to share with you today to let you know that when we reach out and help people, they remember. Thank you, Mr. Speaker.

Resolution adopted unanimously.

Assemblyman Parks moved that all rules be suspended and that Assembly Concurrent Resolution No. 13 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 48.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 35.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 607.160 is hereby amended to read as follows:

607.160 1. The Labor Commissioner:

(a) Shall enforce all labor laws of the State of Nevada ~~[the]~~ *:*

(1) Without regard to whether an employee or workman is lawfully or unlawfully employed, to the extent that doing so does not conflict with or infringe upon federal law; and

(2) The enforcement of which is not specifically and exclusively vested in any other officer, board or commission . ~~[; and]~~

(b) May adopt regulations to carry out the provisions of paragraph (a).

2. Whenever after due inquiry the Labor Commissioner believes that a person financially unable to employ counsel has a valid and enforceable claim for wages, commissions or other demands, he may present the facts to the Attorney General showing:

(a) The names of the claimant and his alleged debtor.

(b) A description and the location of the property on which the labor was performed, if the claim is for wages, or which is the office or place of business of the debtor if the claim is for a commission, and the right, title and interest of the debtor therein.

(c) Other property, if any, owned by the debtor and the probable value thereof.

(d) The time the claimant began and the time he ceased the labor.

(e) The number of days' labor performed by him during the employment and the rate of wages or commission arrangement and terms of the employment.

(f) The date or dates and the amount, if any, paid on the claim.

(g) The balance due, owing and unpaid on the claim.

(h) The date on which a demand for payment was made upon the debtor or his agent or representative, and the response, if any, to that demand.

(i) The names of the witnesses upon whom the claimant expects to rely to provide facts and to what facts each of the witnesses is expected to testify.

3. The Attorney General shall prosecute the claim if he determines that the claim is valid and enforceable.".

Amend sec. 2, page 2, lines 5 and 6, by deleting: "*and includes, without limitation, aliens"*.

Amend sec. 3, page 2, lines 14 and 15, by deleting: "*and includes, without limitation, aliens*".

Amend sec. 4, page 5, line 7, by deleting "*an employer*" and inserting: "*a contractor or subcontractor*".

Amend sec. 4, page 5, lines 9 and 10, by deleting: "*and includes, without limitation, aliens*".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"AN ACT relating to labor; clarifying that the duties of the Labor Commissioner include the enforcement of certain provisions related to labor without regard to whether a person is lawfully or unlawfully employed; clarifying that the provisions relating to compensation, wages and hours include persons unlawfully employed by revising the definition of "employee"; clarifying that the provisions relating to occupational safety and health include persons unlawfully employed by revising the definition of "employee"; clarifying that the provisions relating to public works projects include persons unlawfully employed by revising the definition of "workman"; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 32.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on July 1, 2003.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 335 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 178.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 14:

YEAS—42.

NAYS—None.

Assembly Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 15.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 15:

YEAS—42.

NAYS—None.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 190, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Assembly Bill No. 55.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 55:
YEAS—42.
NAYS—None.
Assembly Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 75.
Bill read third time.
Remarks by Assemblyman Atkinson.
Roll call on Assembly Bill No. 75:
YEAS—42.
NAYS—None.
Assembly Bill No. 75 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 105.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 105:
YEAS—37.
NAYS—Buckley, Collins, Gibbons, Oceguera, Perkins—5.
Assembly Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 118.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 118:
YEAS—36.
NAYS—Andonov, Beers, Gibbons, Gustavson, Knecht, Marvel—6.
Assembly Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 175.
Bill read third time.
Remarks by Assemblyman Williams.
Roll call on Assembly Bill No. 175:
YEAS—42.
NAYS—None.

Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblyman Geddes.

Roll call on Assembly Bill No. 193:

YEAS—42.

NAYS—None.

Assembly Bill No. 193 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 199:

YEAS—40.

NAYS—Gibbons, Goldwater—2.

Assembly Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 247.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 247:

YEAS—42.

NAYS—None.

Assembly Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 270.

Bill read third time.

Remarks by Assemblyman Goldwater.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 270:

YEAS—42.

NAYS—None.

Assembly Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 318.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 318:
YEAS—42.
NAYS—None.
Assembly Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 361 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Parks.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 396.
Bill read third time.
Remarks by Assemblyman Williams.

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

Assembly in recess at 12:13 p.m.

ASSEMBLY IN SESSION

At 12:16 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 396 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Williams.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 137; Assembly Concurrent Resolutions Nos. 11, 12; Senate Concurrent Resolution No. 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Howe and John Howe.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to David Osman.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Kathi Scott, Kelley Higgins, Lisa Nieberlein, Candy Cook, Holly Baker, Jackie Breach, Teresa Gonzalez, Hannah Baker, Sarah Barrow, Amber Behrendt, Trevor Bird, Genevieve Brochtrup, Andy Cai, Henry Godinez, Tiffany Gonzalez, Richard Hill, Austin Jones, Lovnit Kaur, Kayla Lawson, Eileen Martinez, Casey Metzger, Julien Michelot, Matthew Schulenberg, Carter Stellon, Kaylee Thomas, Kimberly Tibaduiza, Aleaha Barringer, Katie Brown, Lyrel Fernandez, Marinn Gilis, Jacob Grueson, Bailey Hamm, Michelle Klavuhn, Miguel Lopez, Connor Morze, Michon Newman, Grayson Osban, Brandon Presto, Amanda Redfern, Amy Rodriguez, Candilyn Sexton, Nick Steiner, Jessica Trainer, Qumeka Davis, Andrew Fahmy, Josh Moore, Tyler Byrnes, Kellie Jamieson, Melanie McGarry, Jenna Peterson, Alethea Olivares, Sarah Burgoyne, Laurel Cavallo, Luz Reyes, Francis Labrado, Kevin Breach, Mikey Blane, Mitchell Childs, Ariel Ralston, Shantelle Stillwell, Dannae Ryman, Pervin Kaur, Jimmy Latimer, Joyce Ann Rodriquez, Josh Oucilhe, Lily Martinez, and Cody Jackson.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to David Bueror, Michael Stoops, Bobby Caldwell, Marybell Batjer, Anne Cory, Francois Obasi, Patricia Martinelli Price, Darryl Martin, Kurt Chastain, Connie Myer, Gerald Schmidt, Tom Murtha, Maurice Silva, Jacquie Moore, Sabra Smith, Anthony Mosley, Brenda Dizon, Joan Robertson, Suzanne Thompson, Tom Bolan, Bob Wolf, Brian Brooks, Dave Burgio, Lasa Allala, David Osmond, Pauline Salla, Craig Smith, Jacob Davis, Eseta Kaufusi, Stephanie Henderson, and Linda Lera-Randle El.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, April 2, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:17 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), April 2, 2003

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Richard Campbell.

Eternal and Ever Blessed God, You are known by many names throughout the world. Your goodness, might, and power are felt by all Your children. We pray Your blessing upon us all, especially those who are constantly in danger in faraway places. We are grateful for Your blessings. We praise You for Your presence with this Assembly today. Their tasks are overwhelming, give them strength; important, grant them wisdom; humane, let them have compassion. Bless them, our state and our nation, and in days to come. We pray in Your Holy Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 58, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 83, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Assembly Bill No. 259 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 31, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 7, 137, 224.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 7.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 137.

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

Motion carried.

Senate Bill No. 224.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 149.

Amend section 1, page 1, lines 4 and 5, by deleting: "*Division of Emergency Management of the Department of Public Safety,*" and inserting: "*State Emergency Response Commission,*".

Amend section 1, page 2, by deleting lines 19 through 21 and inserting: "*subsection 4 with the State Treasurer for credit to the Contingency Account for Hazardous Materials created by NRS 459.735 in the State General Fund.*".

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 459.735 is hereby amended to read as follows:

459.735 1. The Contingency Account for Hazardous Materials is hereby created in the State General Fund.

2. The Commission shall administer the Contingency Account for Hazardous Materials ~~[.]~~ and *, except as otherwise provided in subsection 4,* the money in the Account may be expended only for:

(a) Carrying out the provisions of NRS 459.735 to 459.773, inclusive;

(b) Carrying out the provisions of 42 U.S.C. §§ 11001 et seq. and 49 U.S.C. §§ 5101 et seq.;

(c) Maintaining and supporting the operations of the Commission and local emergency planning committees;

(d) Training and equipping state and local personnel to respond to accidents and incidents involving hazardous materials; and

(e) The operation of training programs and a training center for handling emergencies relating to hazardous materials and related fires pursuant to NRS 477.045.

3. All money received by this state pursuant to 42 U.S.C. §§ 11001 et seq. or 49 U.S.C. §§ 5101 et seq. must be deposited with the State Treasurer to the credit of the Contingency Account for Hazardous Materials. In addition, all money received by the Commission from any source must be deposited with the State Treasurer to the credit of the Contingency Account for Hazardous Materials. The State Controller shall transfer from the Contingency Account to the Operating Account of the State Fire Marshal such money collected pursuant to chapter 477 of NRS as is authorized for expenditure in the budget of the State Fire Marshal for use pursuant to paragraph (e) of subsection 2.

4. *Any fees deposited with the State Treasurer for credit to the Contingency Account for Hazardous Materials pursuant to subsection 5 of section 1 of this act must be accounted for separately and must be expended solely to provide financial assistance to this state or to local governments in this state to support preparedness to combat terrorism, including, without limitation, planning, training and purchasing supplies and equipment.*

5. Upon the presentation of budgets in the manner required by law, money to support the operation of the Commission pursuant to this chapter, other than its provision of grants, must be provided by direct legislative appropriation from the State Highway Fund or other legislative authorization to the Contingency Account for Hazardous Materials.

~~[5.]~~ ~~6.~~ The interest and income earned on the money in the Contingency Account for Hazardous Materials, after deducting any applicable charges, must be credited to the Account.

~~[6.]~~ ~~7.~~ All claims against the Contingency Account for Hazardous Materials must be paid as other claims against the State are paid.”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 122.

Amend sec. 2, page 3, by deleting lines 6 and 7 and inserting: “218.53883 1. The Committee shall ~~[:~~

~~(a) Review]~~ *review* the laws relating to the distribution of revenue”.

Amend sec. 2, page 3, by deleting lines 14 through 17 and inserting:

~~"[(b) Study whether removing the authority of the Board of County Commissioners of Washoe County to impose a certain additional governmental services tax is a prudent act which is in the best interests of this state.]".~~

Amend the title of the bill, third line, after "Finance;" by inserting: "revising the duties of the Legislative Committee;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 117.

Amend section 1, page 1, by deleting lines 8 through 11 and inserting: "of the City except department heads, the City Clerk, the City Attorney, *assistant city attorneys,* the City Manager, ~~[and]~~ *assistant city managers, assistants to the City Manager, the Intergovernmental Relations Director,* any elected officer ~~[.]~~ *and any employee that reports directly to an elected officer.*".

Amend the title of the bill to read as follows:

"AN ACT relating to the Charter of the City of Henderson; revising the positions of city employment that are excluded from the system of civil service of the City of Henderson; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Amends Charter of City of Henderson to revise positions of city employment excluded from system of civil service. (BDR S-457)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 137.

Amend section 1, page 2, by deleting line 1 and inserting "6. The".

Amend section 1, page 2, line 5, by deleting "*may*" and inserting "*shall not*".

Amend section 1, page 2, by deleting lines 8 through 11 and inserting: "~~year from the date of dispensing, the practitioner may use 1 year from the date of dispensing as the expiration date.~~] *on the original label.*".

Amend the title of the bill to read as follows:

"AN ACT relating to prescriptions; prohibiting a practitioner from specifying on the label or other device for a drug or medicine an expiration date that is earlier than the expiration date specified by the manufacturer of the drug or medicine; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing specification of expiration date for certain drugs or medicines. (BDR 54-238)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 139.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 33.

Amend the bill as a whole by deleting sections 1 through 5, renumbering sec. 6 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 704.328 is hereby amended to read as follows:

704.328 The provisions of NRS 704.322 to 704.326, inclusive, shall not apply to any public utility engaged in ~~[interstate]~~ *:*

1. Interstate commerce if 25 percent or more of the operating revenues of such public utility are derived from interstate commerce.

2. The business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this state if the utility:

(a) Serves 15 persons or less; and

(b) Operates in a county whose population is 400,000 or more.

Sec. 2. NRS 704.329 is hereby amended to read as follows:

704.329 1. Except as otherwise provided in subsection 6, a person shall not merge with, directly acquire, indirectly acquire through a subsidiary or affiliate, or otherwise directly or indirectly obtain control of a public utility doing business in this state or an entity that holds a controlling interest in such a public utility without first submitting to the Commission an application for authorization of the proposed transaction and obtaining authorization from the Commission.

2. Any transaction that violates the provisions of this section is void and unenforceable and is not valid for any purpose.

3. Before authorizing a proposed transaction pursuant to this section, the Commission shall consider the effect of the proposed transaction on the public interest and the customs in this state. The Commission shall not authorize the proposed transaction unless the Commission finds that the proposed transaction:

(a) Will be in the public interest; and

(b) Complies with the provisions of NRS 704.7561 to 704.7595, inclusive, if the proposed transaction is subject to those provisions.

4. The Commission may base its authorization of the proposed transaction upon such terms, conditions or modifications as the Commission deems appropriate.

5. If the Commission does not issue a final order regarding the proposed transaction within 180 days after the date on which an application or amended application for authorization of the proposed transaction was filed with the Commission, and the proposed transaction is not subject to the provisions of NRS 704.7561 to 704.7595, inclusive, the proposed transaction shall be deemed to be authorized by the Commission.

6. The provisions of this section do not apply to:

(a) The transfer of stock of a public utility doing business in this state or to the transfer of the stock of an entity that holds a controlling interest in such a public utility, if a transfer of not more than 25 percent of the common stock of such a public utility or entity is proposed.

(b) Except as otherwise provided in this paragraph, a proposed transaction involving a public utility doing business in this state providing telecommunication services or an entity that holds a controlling interest in such a public utility if, in the most recently completed calendar year, not more than 10 percent of the gross operating revenue of the public utility or the entity that holds a controlling interest in the public utility was derived from intrastate telecommunication services provided to retail customers in this state by the public utility. Such a proposed transaction is not exempted from the provisions of this section if:

(1) Not later than 30 days after the date on which the person undertaking the proposed transaction submits the notification required by 15 U.S.C. § 18a, the regulatory operations staff of the Commission or the Consumer's Advocate requests an order from the Commission requiring the person to file an application for authorization of the proposed transaction;

(2) The request alleges in sufficient detail that the proposed transaction may materially affect retail customers of public utilities in this state; and

(3) The Commission issues an order requiring the person to file an application for authorization of the proposed transaction.

(c) A public utility engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this state if the utility:

(1) Serves 15 persons or less; and

(2) Operates in a county whose population is 400,000 or more.

7. As used in this section:

(a) "Person" means:

(1) A natural person;

(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization;

(3) A government or an agency or instrumentality of a government, including, without limitation, this state or an agency or instrumentality of this state; and

(4) A political subdivision of this state or of any other government or an agency or instrumentality of a political subdivision of this state or of any other government.

(b) "Transaction" means a merger, acquisition or change in control described in subsection 1.

Sec. 3. NRS 704.668 is hereby amended to read as follows:

704.668 1. It is unlawful for any public utility which serves 3,000 or fewer persons and furnishes water or services for the disposal of sewage, or both, to:

(a) Sell, lease or otherwise dispose of; or

(b) Encumber by mortgage, deed of trust, security agreement or otherwise, any or all of its real property or goods, including fixtures, or any combination thereof which are necessary in the present or future performance of its duties to the public regarding water or sewage without first obtaining approval from the Commission which authorizes the public utility to do so. This limitation applies to any interest in real property, including, without limitation, easements and water rights.

2. Any such action:

(a) Which is not taken in accordance with the approval of the Commission; or

(b) Which is taken without obtaining the approval from the Commission, is void.

3. If the public utility is disposing of all of its real property and goods, the Commission shall hold a public hearing on the matter before determining whether to approve the disposal.

4. The Commission shall adopt regulations which set forth the types and quantities of property and goods that are necessary in the performance of the duties of the various classes of public utilities.

5. The provisions of this section are not intended to limit the regulatory authority of the Commission granted in other sections of this chapter.

6. The provisions of this section do not apply to a public utility engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this state if the utility:

(a) Serves 15 persons or less; and

(b) Operates in a county whose population is 400,000 or more.".

Amend the title of the bill to read as follows:

"AN ACT relating to utilities; exempting certain public utilities from provisions governing stocks, security transactions, mergers, acquisitions, changes in control, and disposal or encumbrance of property; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Exempts certain public utilities from provisions governing stocks, security transactions, mergers, acquisitions, changes in control, and disposal or encumbrance of property. (BDR 58-494)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:29 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 182.

Bill read second time and ordered to third reading.

Assembly Bill No. 190.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 135.

Amend sec. 3, page 5, lines 43 and 44, by deleting: "~~[claims for wages"]~~ *claim"* " and inserting: "~~[claims]~~ *claim* for wages" ".

Amend sec. 4, page 6, line 38, by deleting "*shall*" and inserting "*may*".

Amend sec. 5, page 7, line 40, after "*file a*" by inserting "*certified payroll*".

Amend sec. 5, page 7, line 42, by deleting "*any*" and inserting: "*an application for qualification or a certified payroll*".

Amend sec. 6, page 8, line 11, by deleting "*Board.*" and inserting: "*Board of each contractor who is prohibited from being awarded a contract for a public work pursuant to this section.*".

Amend sec. 7, page 8, lines 28 and 29, by deleting: "~~[claims for wages" means claims]~~ *claim" means*" and inserting: "~~[claims]~~ *claim* for wages" means ~~[claims]~~".

Amend sec. 7, page 8, by deleting lines 30 through 34 and inserting: "the Labor Commissioner determines to be valid after providing notice and ~~[conducting]~~ *an opportunity for* a hearing pursuant to the provisions of this chapter.".

Amend the title of the bill to read as follows:

"AN ACT relating to contractors; revising the circumstances in which construction fraud occurs; clarifying the circumstances in which the

Executive Officer of the State Contractors' Board may seek a cease and desist order; revising the circumstances in which the State Contractors' Board may require a licensed contractor to post a bond for wages; providing that the State Contractors' Board may suspend the license of a licensee who is prohibited from being awarded a contract for a public work; revising and clarifying the circumstances in which the State Contractors' Board may take disciplinary action against a licensee; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 217.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 114.

Amend sec. 12, page 8, line 31, by deleting: "*substance or any other drug,*" and inserting "*substance,*".

Amend sec. 32, page 20, line 29, by deleting: "substance or any other drug." and inserting: "substance . ~~[or any other drug.]~~".

Amend sec. 32, page 20, lines 34 and 35, by deleting: "substance ~~[,]~~ *or other drug,*" and inserting "substance,".

Amend sec. 32, page 20, by deleting lines 37 through 42 and inserting: "appointing authority, proof that he had taken the controlled substance as directed pursuant to a current and lawful prescription issued in his name.".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 133.

Amend section 1, page 2, after "(b)" by inserting: "*Obtain from the consignor, before receiving delivery of the vehicle, a signed and dated disclosure statement that is included in the consignment contract and provides in at least 10-point bold type or font:*

IMPORTANT NOTICE TO VEHICLE OWNERS

State law (NRS 482.31776) requires that the operator of this business file a Uniform Commercial Code 1 (UCC1) form with the Office of the Secretary of State on your behalf to protect your interest in your vehicle. The form is required to protect your vehicle from forfeiture in the event that the operator

of this business fails to meet his financial obligations to a third party holding a security interest in his inventory. The form must be filed by the operator of this business before he may take possession of your vehicle. If the form is not filed as required, YOU MAY LOSE YOUR VEHICLE THROUGH NO FAULT OF YOUR OWN. For a copy of the UCC1 form filed on your behalf or for more information, please contact:

The Office of the Secretary of State of Nevada
Uniform Commercial Code Division
775.684.5708

I understand and acknowledge the above disclosure.

Consignee Signature Date

(c)".

Amend section 1, page 3, by deleting lines 1 through 4 and inserting:

"4. The provisions of this section do not apply to ~~[an executor, an administrator, a sheriff or any]~~ *:*

(a) An executor;

(b) An administrator;

(c) A sheriff;

(d) A salvage pool subject to the provisions of NRS 487.400 to 487.510, inclusive; or

(e) Any other person who sells a vehicle pursuant to the powers or duties granted to or imposed on him by specific statute.".

Amend section 1, pages 3 and 4, by deleting lines 38 through 44 on page 3 and lines 1 through 32 on page 4.

Amend section 1, page 4, line 33, by deleting "*9.*" and inserting "8.".

Amend section 1, page 4, line 40, by deleting "*paragraph (b)*" and inserting:

"*paragraphs (b) or (c)*".

Amend the title of the bill to read as follows:

"AN ACT relating to motor vehicles; requiring the consignee of a vehicle to obtain a signed disclosure statement from the consignor of a vehicle; requiring the consignee to assist the consignor in completing a financing statement to create a purchase-money security interest of the consignor in the vehicle; requiring the consignee to file the financing statement with the Secretary of State; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 231.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 134.

Amend section 1, page 1, line 3, by deleting "*may*" and inserting "*shall*".

Amend section 1, page 1, line 4, by deleting "*section.*" and inserting: "*section to each applicant who complies with the provisions of this section.*".

Amend the title of the bill, first line, by deleting "authorizing" and inserting "requiring".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires State Board of Podiatry to issue limited license to practice podiatry under certain circumstances. (BDR 54-997)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 141.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting: "*The Center for the Analysis of Crime Statistics is hereby established within the Department of Criminal Justice at the University of Nevada, Las Vegas. The Center may:*".

Amend sec. 2, page 2, by deleting lines 10 through 16 and inserting:

"*(a) The* Desert Research Institute ~~[and the]~~ *;*

(b) The Ethics Institute; and

(c) The Center for the Analysis of Crime Statistics, established within the Department of Criminal Justice at the University of Nevada, Las Vegas; and".

Amend the title of the bill, first line, by deleting: "recognizing the establishment of" and inserting "establishing".

Amend the summary of the bill to read as follows:

"SUMMARY—Establishes Center for Analysis of Crime Statistics at University of Nevada, Las Vegas, and provides that Center may accept and expend gifts, grants and donations of money. (BDR 34-367)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 443.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that upon return from the printer Assembly Bill No. 217 be re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 48.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 48:

YEAS—42.

NAYS—None.

Assembly Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 145.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 145:

YEAS—42.

NAYS—None.

Assembly Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 178.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 178:

YEAS—42.

NAYS—None.

Assembly Bill No. 178 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Symington, Stacey Hinderks, Amy Long, Donald Carano, Pearce Dermody, Jake Manoukian, Corey Canavan, Alex Kizis, Evan Martin, Anthony Bonaldi, John Harrah, So Hee Jun, Danielle Hashimoto, Elizabeth Evans, Cheyenne Ebbe, McKenzie Shipman, Sam Arnow, Bonnie Brooksbank, Taylor Browning, Leslie Cladianos, William Kanellos, Kelly Mahoney, John Plecha, Sarah Rosemann, Russell Smithson, Daniel Sorenesen, Damon Spitzer, and Adrienne Van Antwerp.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Moulton.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Vanessa Ozolins and Stephanie Denson.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, April 3, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTIETH DAY

CARSON CITY (Thursday), April 3, 2003

Assembly called to order at 11:28 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Richard Campbell.

Almighty and Most Gracious God, it is to You that we look for every good and perfect gift. It is to You that we direct our thanksgiving this day. We give thanks for a night of rest and the beauty of a new day. Be present with us and guide us. Make us aware of the needs of the people and grant us wisdom, compassion, and love to serve them in our actions. Bless this Assembly, give them strength and courage to do Your will. We pray in Your name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 78, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 95, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 322, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 2, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 90; Senate Bills Nos. 134, 286, 396; Senate Joint Resolution No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 40, 197.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 3, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 27.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 2.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Concurrent Resolution No. 27.

Assemblyman Knecht moved the adoption of the resolution.

Remarks by Assemblyman Knecht.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 40.

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

Motion carried.

Senate Bill No. 134.

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

Motion carried.

Senate Bill No. 197.

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

Motion carried.

Senate Bill No. 286.

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

Motion carried.

Senate Bill No. 396.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 6.

Amend sec. 14, page 6, by deleting lines 35 and 36 and inserting: "chapter 488 of NRS.".

Amend sec. 16, page 7, line 30, by deleting "Prepare" and inserting: "Prepare *, in consultation with the Commission,*".

Amend sec. 16, page 7, by deleting line 33 and inserting: "*recommendation before the budget is submitted to the Chief of the Budget*".

Amend the title of the bill by deleting the third through fifth lines and inserting: "Resources into the Department of Wildlife; and providing other matters".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Assemblyman Collins moved that upon return from the printer Assembly Bill No. 41 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 121.

Amend section 1, page 1, by deleting lines 4 and 5 and inserting: "being operated on a ~~[paved highway within a county whose population is 100,000 or more,]~~ *highway,* to ride upon or within any portion~~".~~

Amend section 1, page 2, by deleting lines 5 through 8 and inserting:

"(1) ~~[Not being operated on a freeway or other road that has two or more lanes for traffic traveling in one direction;~~

~~(2)]~~ Being used in the course of farming or ranching; or

~~[(3)]~~ *(2)* Being driven in a parade authorized by a local authority.".

Amend section 1, page 2, line 28, after "(c)" by inserting:

" *"Highway" has the meaning ascribed to it in NRS 484.065.*

(d)".

Amend the title of the bill, fourth line, after "circumstances;" by inserting: "expanding the prohibition from paved highways to all highways; revising provisions governing the exception to the prohibition for certain persons;".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing prohibition against driver of motor vehicle allowing person to ride upon or within certain portions of motor vehicle under certain circumstances. (BDR 43-668)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 34.

Amend section 1, page 1, lines 3 and 4, by deleting: "*facility:*

(a) Has" and inserting "*facility has*".

Amend section 1, page 1, line 6, before "*health*" by inserting "*covered*".

Amend section 1, page 1, line 9, before "*health*" by inserting "*covered*".

Amend section 1, page 1, line 14, by deleting "*(1)*" and inserting "*(a)*".

Amend section 1, page 1, line 16, by deleting "*(2)*" and inserting "*(b)*".

Amend section 1, page 2, by deleting lines 4 through 9.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 79.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 25.

Amend section 1, page 2, by deleting lines 2 and 3 and inserting: "adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. An external review organization shall not conduct an*".

Amend section 1, page 2, line 5, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend section 1, page 2, line 25, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend section 1, page 2, line 34, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend section 1, page 3, by deleting lines 40 through 43 and inserting:

"*(a) "Adverse determination" has the meaning ascribed to it in section 16 of this act.*

(b) "External review organization" has the meaning ascribed to it in section 19 of this act.".

Amend section 1, page 4, by deleting lines 2 and 3 and inserting: "*person who is licensed in this state or is licensed, certified or otherwise authorized by any other state to provide any health care service.*".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 11 and 12 and adding new sections designated sections 3 through 10, following section 1, to read as follows:

"Sec. 3. *As soon as practicable after preparing an annual list of external review organizations pursuant to subsection 8 of section 2 of this act, the Commissioner shall submit a copy of the list to the Office for Consumer Health Assistance. If a change occurs in the list, the Commissioner shall notify the Office for Consumer Health Assistance of the change.*

Sec. 4. NRS 689A.745 is hereby amended to read as follows:

689A.745 1. ~~[Each]~~ *Except as otherwise provided in subsection 4, each* insurer that issues a policy of health insurance in this state shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner in consultation with the State Board of Health.

2. A system for resolving complaints *established* pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of health insurance issued by the insurer.

3. The Commissioner or the State Board of Health may examine the system for resolving complaints established pursuant to ~~[this section]~~ *subsection 1* at such times as either deems necessary or appropriate.

4. Each insurer that issues a policy of health insurance in this state that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning those health care services that complies with the provisions of sections 16 to 28, inclusive, of this act and NRS 695G.200 to 695G.230, inclusive.

Sec. 5. NRS 689A.750 is hereby amended to read as follows:

689A.750 1. Each insurer that issues a policy of health insurance in this state shall submit to the Commissioner and the State Board of Health an annual report regarding its system for resolving complaints established pursuant to *subsection 1 of* NRS 689A.745 on a form prescribed by the Commissioner in consultation with the State Board of Health which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 6. NRS 689B.0285 is hereby amended to read as follows:

689B.0285 1. ~~[Each]~~ *Except as otherwise provided in subsection 4, each* insurer that issues a policy of group health insurance in this state shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner in consultation with the State Board of Health.

2. A system for resolving complaints *established* pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of group health insurance issued by the insurer.

3. The Commissioner or the State Board of Health may examine the system for resolving complaints established pursuant to ~~[this section]~~ *subsection 1* at such times as either deems necessary or appropriate.

4. Each insurer that issues a policy of group health insurance in this state that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning the health care services that complies with the provisions of sections 16 to 28, inclusive, of this act and NRS 695G.200 to 695G.230, inclusive.

Sec. 7. NRS 689B.029 is hereby amended to read as follows:

689B.029 1. Each insurer that issues a policy of group health insurance in this state shall submit to the Commissioner and the State Board of Health an annual report regarding its system for resolving complaints established pursuant to *subsection 1 of* NRS 689B.0285 on a form prescribed by the Commissioner in consultation with the State Board of Health which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the

Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 8. NRS 689C.156 is hereby amended to read as follows:

689C.156 1. As a condition of transacting business in this state with small employers, a carrier shall actively market to a small employer each health benefit plan which is actively marketed in this state by the carrier to any small employer in this state. The health insurance plans marketed pursuant to this section by the carrier must include, without limitation, a basic health benefit plan and a standard health benefit plan. A carrier shall be deemed to be actively marketing a health benefit plan when it makes available any of its plans to a small employer that is not currently receiving coverage under a health benefit plan issued by that carrier.

2. A carrier shall issue to a small employer any health benefit plan marketed in accordance with this section if the eligible small employer applies for the plan and agrees to make the required premium payments and satisfy the other reasonable provisions of the health benefit plan that are not inconsistent with NRS 689C.015 to 689C.355, inclusive, and 689C.610 to 689C.980, inclusive, except that a carrier is not required to issue a health benefit plan to a self-employed person who is covered by, or is eligible for coverage under, a health benefit plan offered by another employer.

3. If a health benefit plan marketed pursuant to this section provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, the carrier shall provide a system for resolving any complaints of an employee concerning those health care services that complies with the provisions of sections 16 to 28, inclusive, of this act and NRS 695G.200 to 695G.230, inclusive.

Sec. 9. NRS 695B.380 is hereby amended to read as follows:

695B.380 1. ~~[Each]~~ *Except as otherwise provided in subsection 4, each* insurer that issues a contract for hospital or medical services in this state shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner in consultation with the State Board of Health.

2. A system for resolving complaints *established* pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a contract for hospital or medical services issued by the insurer.

3. The Commissioner or the State Board of Health may examine the system for resolving complaints established pursuant to ~~[this section]~~ *subsection 1* at such times as either deems necessary or appropriate.

4. Each insurer that issues a contract specified in subsection 1 shall, if the contract provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, provide a system for resolving any complaints of an insured concerning those health care services that

complies with the provisions of sections 16 to 28, inclusive, of this act and NRS 695G.200 to 695G.230, inclusive.

Sec. 10. NRS 695B.390 is hereby amended to read as follows:

695B.390 1. Each insurer that issues a contract for hospital or medical services in this state shall submit to the Commissioner and the State Board of Health an annual report regarding its system for resolving complaints established pursuant to *subsection 1 of* NRS 695B.380 on a form prescribed by the Commissioner in consultation with the State Board of Health which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.".

Amend sec. 3, page 5, lines 18 and 19, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend the bill as a whole by renumbering section 4 as section 13.

Amend sec. 4, page 6, line 13, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend the bill as a whole by renumbering sec. 5 as sec. 15 and adding a new section designated sec. 14, following sec. 4, to read as follows:

"Sec. 14. NRS 695F.230 is hereby amended to read as follows:

695F.230 1. Each prepaid limited health service organization shall establish a system for the resolution of written complaints submitted by enrollees and providers.

2. The provisions of subsection 1 do not prohibit an enrollee or provider from filing a complaint with the Commissioner or limit the Commissioner's authority to investigate such a complaint.

3. Each prepaid limited health service organization that issues any evidence of coverage that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an enrollee or subscriber concerning those health care services that complies with the provisions of sections 16 to 28, inclusive, of this act and NRS 695G.200 to 695G.230, inclusive.".

Amend sec. 5, page 6, line 40, by deleting: "*6 to 14*," and inserting: "*16 to 28*,".

Amend the bill as a whole by renumbering sec. 6 as sec. 17 and adding a new section designated sec. 16, following sec. 5, to read as follows:

"Sec. 16. *"Adverse determination" means a determination of a managed care organization that an allocation of health care resources and services that is provided or proposed to be provided to an insured is not medically necessary or appropriate or is experimental or investigational. The term does not include a determination of a managed care organization that such an allocation is not a covered benefit.*".

Amend sec. 6, page 6, line 45, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend the bill as a whole by renumbering sec. 7 as sec. 18.

Amend sec. 7, page 7, lines 3 and 4, by deleting: "*the Board of Medical Examiners*" and inserting: "*a member board of the American Board of Medical Specialties*".

Amend the bill as a whole by deleting sections 8 and 9, renumbering sec. 10 as sec. 20 and adding a new section designated sec. 19, following sec. 7, to read as follows:

"Sec. 19. *"External review organization" means an organization that:*

1. Conducts an external review of a final adverse determination; and

2. Is certified by the Commissioner in accordance with section 2 of this act.".

Amend sec. 10, page 7, line 29, by deleting "*are:*" and inserting: "*are necessary and:*".

Amend sec. 10, page 7, line 33, by deleting "*and*".

Amend sec. 10, page 7, line 35, by deleting "*care.*" and inserting: "*care;*

4. Required to improve a specific health condition of an insured or to preserve his existing state of health; and

5. The most clinically appropriate level of health care that may be safely provided to the insured.".

Amend the bill as a whole by renumbering sec. 11 as sec. 22 and adding a new section designated sec. 21, following sec. 10, to read as follows:

"Sec. 21. *1. For the purposes of sections 16 to 28, inclusive, of this act and NRS 695G.200 to 695G.230, inclusive, an adverse determination is final if the insured has exhausted all procedures set forth in the health care plan for reviewing the adverse determination within the managed care organization.*

2. An adverse determination shall be deemed final for the purpose of submitting the adverse determination to an external review organization for an external review:

(a) If an insured exhausts all procedures set forth in the health care plan for reviewing the adverse determination within the managed care organization and the managed care organization fails to render a decision within the period required to render that decision set forth in the health care plan; or

(b) If the managed care organization submits the adverse determination to the external review organization without requiring the insured to exhaust all procedures set forth in the health care plan for reviewing the adverse determination within the managed care organization.".

Amend sec. 11, page 8, by deleting lines 8 through 20 and inserting:

"*3. As soon as practicable after receiving a notice pursuant to subsection 2, the Office for Consumer Health Assistance shall assign an external review organization from the list maintained pursuant to section 2 of this act. Each assignment made pursuant to this subsection must be completed on a rotating basis.*

4. Within 5 days after receiving notification from the Office for Consumer Health Assistance specifying the external review organization assigned pursuant to".

Amend sec. 12, page 8, by deleting lines 35 and 36 and inserting:

"Sec. 23. *1. Except as otherwise provided in section 24 of this act, upon receipt of a request for an external review pursuant to section 22 of this act, the external review organization*".

Amend sec. 12, page 8, line 39, by deleting "*11*" and inserting "*22*".

Amend sec. 12, page 8, line 43, by deleting "*subsection 3,*" and inserting: "*section 24 of this act,*".

Amend sec. 12, page 9, line 6, after "*any;*" by inserting "*and*".

Amend sec. 12, page 9, by deleting lines 7 through 30 and inserting:

"*(d) The managed care organization.*".

Amend the bill as a whole by renumbering sec. 13 as sec. 26 and adding new sections designated sections 24 and 25, following sec. 12, to read as follows:

"Sec. 24. *1. A managed care organization shall approve or deny a request for an external review of a final adverse determination in an expedited manner not later than 72 hours after it receives proof from the insured's provider of health care that failure to proceed in an expedited manner may jeopardize the life or health of the insured.*

2. If a managed care organization approves a request for an external review pursuant to subsection 1, the managed care organization shall:

(a) In accordance with subsections 4 and 5, assign the request to an external review organization not later than 1 working day after approving the request; and

(b) At the time of assigning the request, provide to the external review organization all documents and materials specified in subsection 4 of section 22 of this act.

3. An external review organization that is assigned to conduct an external review pursuant to subsection 2 shall, if it accepts the assignment:

(a) Complete its external review not later than 2 working days after receiving the assignment, unless the insured and the managed care organization agree to a longer period;

(b) Not later than 1 working day after completing its external review, notify the insured, the physician of the insured, the authorized representative of the insured, if any, and the managed care organization by telephone of its determination; and

(c) Not later than 5 working days after completing its external review, submit a written decision of its external review to the insured, the physician of the insured, the authorized representative of the insured, if any, and the managed care organization.

4. At least once each month, the Office for Consumer Health Assistance shall designate at least 2 external review organizations to conduct external reviews in an expedited manner pursuant to this section. As soon as practicable after designating an external review organization pursuant to this section, the Office for Consumer Health Assistance shall notify each managed care organization of the designation.

5. As soon as practicable after assigning an external review organization to conduct an external review pursuant to this section, the managed care organization shall notify the Office for Consumer Health Assistance of the assignment. Each assignment made by a managed care organization pursuant to this section must be completed on a rotating basis.

Sec. 25. *The decision of an external review organization concerning a request for an external review must be based on:*

1. Documentary evidence, including any recommendation of the physician of the insured submitted pursuant to section 22 of this act;

2. Medical evidence, including, without limitation:

(a) Professional standards of safety and effectiveness for diagnosis, care and treatment that are generally recognized in the United States;

(b) Any report published in literature that is peer-reviewed;

(c) Evidence-based medicine, including, without limitation, reports and guidelines that are published by professional organizations that are recognized nationally and that include supporting scientific data; and

(d) An opinion of an independent physician who, as determined by the external review organization, is an expert in the health specialty that is the subject of the external review; and

3. The terms and conditions for benefits set forth in the evidence of coverage issued to the insured by the managed care organization.".

Amend sec. 13, page 9, line 42, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend sec. 13, page 9, line 43, by deleting: "*to the Office for Consumer Health Assistance*".

Amend the bill as a whole by renumbering sec. 14 as sec. 27.

Amend sec. 14, page 10, line 6, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend sec. 14, page 10, line 12, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend the bill as a whole by renumbering sections 15 and 16 as sections 29 and 30 and adding a new section designated sec. 28, following sec. 14, to read as follows:

"Sec. 28. *On or before January 31 of each year, each managed care organization shall file a written report with the Office for Consumer Health Assistance setting forth the total number of:*

1. Requests for external review that were received by the managed care organization during the immediately preceding year; and

2. Final adverse determinations of the managed care organization that were:

(a) Approved during the immediately preceding year;

(b) Reversed during the immediately preceding year; and

(c) Modified during the immediately preceding year.".

Amend sec. 15, page 10, line 17, by deleting: "*6 to 10,*" and inserting: "*16 to 20,*".

Amend sec. 16, page 10, line 25, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend the bill as a whole by renumbering sections 17 and 18 as sections 32 and 33 and adding a new section designated sec. 31, following sec. 16, to read as follows:

"Sec. 31. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. The provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation , and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with any other applicable provision of this title.

3. The provisions of NRS 695G.200 to 695G.230, inclusive, do not apply to an organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Human Resources. This subsection does not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.".

Amend sec. 17, page 10, line 28, by deleting "*14*" and inserting "*27*".

Amend sec. 18, page 11, line 35, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend the bill as a whole by deleting sec. 19 and renumbering sec. 20 as sec. 34.

Amend sec. 20, page 13, lines 18 and 19, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend sec. 20, page 13, line 20, by deleting "*reviews.*" and inserting: "*reviews as reported pursuant to section 28 of this act.*".

Amend the bill as a whole by renumbering sec. 21 as sec. 35.

Amend sec. 21, page 13, line 25, by deleting: "*6 to 14,*" and inserting: "*16 to 28,*".

Amend the bill as a whole by renumbering sec. 22 as sec. 37 and adding a new section designated sec. 36, following sec. 22, to read as follows:

"Sec. 36. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. *The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Human Resources. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of final adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt*

such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

6. As used in this section, unless the context otherwise requires:

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.".

Amend sec. 22, page 13, by deleting lines 31 through 35 and inserting:

"2. Sections 1 to 36, inclusive, of this act become".

Amend sec. 22, page 13, line 41, by deleting "1" and inserting "2".

Amend the title of the bill to read as follows:

"AN ACT relating to health care; requiring an external review organization to be certified by the Commissioner of Insurance before conducting an external review of a final adverse determination of a managed care organization, health maintenance organization or certain insurers; authorizing an insured under certain health care plans to submit to a managed care organization, health maintenance organization or certain insurers a request for such a review under certain circumstances; requiring an external review organization to approve, modify or reverse a final adverse determination within a certain period; providing that an external review organization is not liable in a civil action for damages relating to a determination issued by the external review organization under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for external review of final adverse determinations made by managed care organizations, health maintenance organizations and certain insurers. (BDR 57-955)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 95.

Amend section 1, page 1, line 4, by deleting "*may*" and inserting "*shall not*".

Amend section 1, page 1, line 5, by deleting "*if:*" and inserting "*unless:*".

Amend section 1, page 2, by deleting lines 5 through 9 and inserting:

"*2. A person who violates the provisions of this section is*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 85.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 116.

Amend sec. 2, pages 2 and 3, by deleting line 45 on page 2 and lines 1 and 2 on page 3 and inserting: "~~the Director;~~ *;*

(d) The Director provides notice of the request for the financing of the project to the governing body of the city or county in which the project is proposed to be located, and has not received a copy of a resolution from the governing body objecting to the project within 25 business days after the notice is provided; and

(e) The Director complies with the *provisions of NRS 349.590*".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 127.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pharmacist shall not refuse to fill or refill a prescription as written unless the pharmacist knows or has reasonable cause to believe that the prescription is:

(a) Fraudulent;

(b) Issued contrary to law; or

(c) Contraindicated.

2. If a pharmacist refuses to dispense a prescription pursuant to paragraph (c) of subsection 1, the pharmacist shall consult with the prescribing practitioner as soon as practicable.

3. The provisions of this section do not:

(a) Require a pharmacist to stock a particular drug; or

(b) Prohibit a pharmacist from:

(1) Substituting a drug pursuant to NRS 639.2583; or

(2) Requiring payment for a drug in the normal course of business.

4. A pharmacist is not subject to any penalty for violation of this section except as provided in NRS 639.255.".

Amend the title of the bill to read as follows:

"AN ACT relating to pharmacy; prohibiting a pharmacist from refusing to fill or refill a prescription under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits pharmacist from refusing to fill or refill prescription under certain circumstances. (BDR 54-210)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater, Mabey, Hardy, and Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 128.

Amend sec. 3, page 6, line 2, after "*law.*" by inserting: "*The application must also inform the applicant that by registering with the Selective Service System in compliance with federal law, the applicant remains eligible for federal student loans, grants, benefits relating to job training, most federal jobs and, if applicable, citizenship in the United States.*".

Amend sec. 4, page 6, line 21, after "*law.*" by inserting: "*The application must also inform the applicant that by registering with the Selective Service System in compliance with federal law, the applicant remains eligible for federal student loans, grants, benefits relating to job training, most federal jobs and, if applicable, citizenship in the United States.*".

Amend sec. 5, page 6, line 43, after "*law.*" by inserting: "*The application must also inform the applicant that by registering with the Selective Service System in compliance with federal law, the applicant remains eligible for federal student loans, grants, benefits relating to job training, most federal jobs and, if applicable, citizenship in the United States.*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Assemblywoman Chowning moved that upon return from the printer Assembly Bill No. 170 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 315.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 180.

Amend section 1, page 1, line 3, after "*Officer*" by inserting: "*or a qualified person designated by the Administrator of the Health Division*".

Amend section 1, page 1, lines 8 and 10, after "*Officer*" by inserting: "*or the person designated pursuant to subsection 1*".

Amend the title of the bill by deleting the first through third lines and inserting:

"AN ACT relating to cancer; requiring the State Health Officer or a person designated by the Administrator of the Health Division of the Department of Human Resources to analyze information reported by health facilities concerning cancer; requiring the State Health Officer or person designated by the Administrator of the Health Division to".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires State Health Officer or person designated by Administrator of Health Division of Department of Human Resources to analyze information reported by health facilities concerning cancer to determine trends in incidence of cancer. (BDR 40-75)".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 328.

Bill read second time and ordered to third reading.

Assembly Bill No. 371.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 120.

Amend section 1, page 1, line 1, by deleting "The" and inserting:

"1. Except as otherwise provided in subsection 2, the".

Amend section 1, page 1, between lines 10 and 11, by inserting:

"2. The conveyance of the parcel of land pursuant to subsection 1 must not include any property or interest in the parcel that is currently owned by the Department of Transportation.".

Amend sec. 2, page 2, line 2, by deleting "groups." and inserting: "groups, as well as use for charitable or civic purposes by corporations for public benefit.".

Amend sec. 2, page 2, line 5, after "Nevada." by inserting: "As used in this subsection, "corporation for public benefit" has the meaning ascribed to it in NRS 82.021.".

Amend sec. 3, page 2, line 12, by deleting: "on July 1, 2003." and inserting: "upon passage and approval.".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 402.

Bill read second time and ordered to third reading.

Assembly Bill No. 409.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 123.

Amend section 1, page 3, line 15, after "*mail.*" by inserting: "*The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.*".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 456.

Bill read second time and ordered to third reading.

Assembly Bill No. 520.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 19.

Bill read third time.

Remarks by Assemblymen Chowning, Goldwater, and Giunchigliani.

Roll call on Assembly Bill No. 19:

YEAS—29.

NAYS—Beers, Brown, Conklin, Geddes, Giunchigliani, Goicoechea, Goldwater, Grady, Horne, Koivisto, Mabey, McCleary, Perkins—13.

Assembly Bill No. 19 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 35.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 35:

YEAS—42.

NAYS—None.

Assembly Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 67.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 67:

YEAS—42.

NAYS—None.

Assembly Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 119.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 119:

YEAS—42.

NAYS—None.

Assembly Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 139:

YEAS—42.

NAYS—None.

Assembly Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblymen Kovisto, McClain, Hettrick, Claborn, Pierce, and Collins.

Potential conflict of interest declared by Assemblywoman McClain.

Roll call on Assembly Bill No. 182:

YEAS—23.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Geddes, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—19.

Assembly Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 190.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 190:

YEAS—42.

NAYS—None.

Assembly Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 221:

YEAS—41.

NAYS—None.

EXCUSED—Weber.

Assembly Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 231:

YEAS—41.

NAYS—None.

EXCUSED—Weber.

Assembly Bill No. 231 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443

Bill read third time.

Remarks by Assemblyman Anderson.

Assemblyman Anderson moved that Assembly Bill No. 443 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 30, 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 361 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ingrid Kovacs, Karen Bowman, Conda Arteaga, Richard Waller, Robert Mitchell, Rolann Aronson, David Miller, Chris Johnson, Jake Ward, Amelia Wilson, Cody Hamilton, Peter Klipfel, Nathan Crumrine, Justin Sykes, Tom Schumacher, Linda Wrubel, Anna Louie, Jason Lin, Kylie Stevens, David Love, Tré Johnson, Corry Coss, Lexus Fisher, Patrick Daniels, Shizette Smith, Morgan Triplett, Brianna Bakker, Nikola Petrovic, Michael Brookshire, Josh Lundin, Brandon Rieken, Christian Manning, Zach Denhardt, Carlos Garcia, Matt Stewart Francis, Greg Witezak, Lechelle Smith, Paul Nevis, Jay Cortez, Andrew Millette, and Taylor Yancy.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Bass.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Johnson and Elizabeth Floyd.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Wade Wagner.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Marsha Neel, Mike Spears, and Kaylan Hanson.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Zach Dice.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Devanny Novak.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Norton.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth Johnson and John Sullivan.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Javier Muruato.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Dice and Geoffrey Frasz.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Edward Lynn, Steve Lee, George Alm, Paul Richied, and Mark McDonald.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Shaina Johnson.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Horn.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlin Johnson.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Johnalee Collier.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Trevor Bergstrom.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan Quarles.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Floyd.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Danser.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Chelsey Johnson.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Gibbs.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Neal Couch and Elissa Couch.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Kovacs.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 4, 2003, at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:46 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-FIRST DAY

CARSON CITY (Friday), April 4, 2003

Assembly called to order at 10:41 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Reverend Richard Campbell.

Almighty God, in whom we live, move, and have our very being, we come to You this day to acknowledge that the earth and all who dwell within it are precious in Your sight. Take away our selfish pride and bring to our minds your goodness, so that living together, as Your children, we may enjoy Your gifts and be thankful. We thank You for mountains, fields, and woodlands; for oceans and running streams; for villages and cities where Your children live, work, and play; and for Your presence with us in all our endeavors. Grant this Legislative Body insight into Your wisdom today so that their actions may be to Your honor and glory.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

Mr. Speaker announced if there were no objections the Assembly would recess for the purpose of hearing a musical rendition by the All-State Choir.

Assembly in recess at 10:46 a.m.

ASSEMBLY IN SESSION

At 10:54 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 148, 170, 254, 287, 328, 353; Senate Joint Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 69, 82, 91, 105, 110, 112, 141, 195, 221, 249, 253.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Senate Concurrent Resolution No. 15.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 4, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 237, 286, 297, 310, 313, 326, 348, 351, 411, 424, 426, 431, 439, 442, 451, 453, 460, 479, 488, 490, 495, 501, 508, 513, 518, 527, and 537.

MARK STEVENS
Fiscal Analysis Division

Senate Joint Resolution No. 6.

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

Motion carried.

Senate Concurrent Resolution No. 15.

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

Motion carried.

Assemblywoman Buckley moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 69.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 82.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 91.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 105.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 110.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 112.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 141.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 148.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 170.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 195.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 221.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 249.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 253.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 254.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 287.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 328.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 353.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 13.

Amend sec. 6, page 7, by deleting lines 34 through 39 and inserting:

"6. If a person cancels his registration and surrenders to the Department his license plates for a vehicle, the Department shall *, in accordance with the provisions of subsection 7,* issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.

7. The Department shall issue a refund pursuant to subsection 6 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his driver's license and has sold or otherwise disposed of his vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.".

Amend the title of the bill, fourth line, by deleting "removing" and inserting "revising".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 186.

Amend sec. 2, page 2, line 29, by deleting "*or purple*".

Amend sec. 4, page 4, lines 6 and 7, by deleting "*or purple*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 78.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 30.

Amend section 1, page 2, line 36, by deleting "*section;*" and inserting: "*section or any other sexual offense against a child;*".

Amend section 1, page 2, line 39, by deleting the comma and inserting: "*or any other sexual offense against a child,*".

Amend section 1, page 2, between lines 42 and 43, by inserting:

"*5. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:*

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262;

(d) Open or gross lewdness pursuant to NRS 201.210; or

(e) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.".

Amend sec. 2, page 3, lines 7 and 8, by deleting: "*of:*

(a) A" and inserting: "a".

Amend sec. 2, page 3, line 9, by deleting "life" and inserting: "~~[life]~~ *(a) Life*".

Amend sec. 2, page 3, by deleting lines 13 through 16 and inserting:

"*(b) A definite term of 20 years, with eligibility for parole after a minimum of 2 years has been served, and may further be punished by a fine of not more than $10,000.*".

Amend sec. 2, page 3, line 19, by deleting "*section;*" and inserting: "*section or any other sexual offense against a child;*".

Amend sec. 2, page 3, line 22, by deleting the comma and inserting: "*or any other sexual offense against a child,*".

Amend sec. 2, page 3, between lines 25 and 26, by inserting:

"*4. For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in subsection 5 of NRS 200.366.*

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 95.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 39.

Amend section 1, page 2, line 8, after "~~[,]~~" by inserting: "*or was on parole*".

Amend section 1, page 2, line 11, after "probation" by inserting "*or parole*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 69.

Amend section 1, page 2, line 8, by deleting "*murder which*" and inserting "*murder,*".

Amend section 1, page 2, by deleting lines 9 and 10 and inserting: "*battery which involves the use*".

Amend sec. 3, page 2, line 43, by deleting "1." and inserting "~~[1.]~~".

Amend sec. 3, page 3, by deleting lines 1 through 19 and inserting: "order. ~~[If the violation is accompanied by a violent physical act by the adverse party against a person protected by the order, the court shall:~~

~~(a) Impose upon the adverse party a fine of $1,000 or require him to perform a minimum of 200 hours of community service;~~

~~(b) Sentence him to imprisonment for not fewer than 5 days nor more than 6 months;~~

~~(c) Order him to reimburse the applicant, in an amount determined by the court, for all costs and attorney's fees incurred by the applicant in seeking to enforce the temporary or extended order, and for all medical expenses of the applicant and any minor child incurred as a result of the violent physical act; and~~

~~(d) Order him to participate in and complete a program of professional counseling, at his own expense, if such counseling is available.~~

~~2. The adverse party shall comply with the order for reimbursement of the applicant before paying a fine imposed pursuant to this section.~~]".

Amend sec. 4, page 3, line 21, by deleting "1." and inserting "[~~1.~~]".

Amend sec. 4, page 3, line 23, by deleting "(a)" and inserting "[~~(a)~~] *1.*".

Amend sec. 4, page 3, line 25, by deleting "(b)" and inserting "[~~(b)~~] *2.*".

Amend sec. 4, page 3, line 29, by deleting "subsection," and inserting "[~~subsection,~~] *section,*".

Amend sec. 4, pages 3 and 4, by deleting lines 34 through 44 on page 3 and lines 1 through 8 on page 4, and inserting:

"[~~2. If the violation is accompanied by a violent physical act against a person protected by the order or injunction, the court shall:~~

~~(a) Impose upon the person committing the act a fine of $1,000 or require him to perform a minimum of 200 hours of community service;~~

~~(b) Sentence him to imprisonment for not fewer than 5 days nor more than 6 months;~~

~~(c) Order him to reimburse the person obtaining the order or injunction, in an amount determined by the court, for all costs and attorney's fees incurred by that person in seeking to enforce the order or injunction, and for all medical expenses of the person and any minor child incurred as a result of the violent physical act; and~~

~~(d) Order him to participate in and complete a program of professional counseling, at his own expense, if such counseling is available.~~

~~3. The person committing the violation shall comply with the order for reimbursement of the person obtaining the order or injunction before paying any fine imposed pursuant to this section.~~]".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 140.

Amend sec. 3, page 2, line 1, after "*radio*" by inserting: "*broadcasting station, cable operator*".

Amend sec. 9, page 3, line 23, after "*death;*" by inserting "*and*".
Amend sec. 9, page 3, by deleting lines 24 and 25.
Amend sec. 9, page 3, line 26, by deleting "*(d)*" and inserting "*(c)*".
Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 336.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 139.
Amend section 1, page 2, by deleting lines 10 and 11 and inserting:
"*(b) By telephone through an automated or computerized system of notification, if such a system is available.*".
Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 341.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that INTERNET ADVANTAGE INC: Roger Scimi, be accepted as an accredited press representative, that he be assigned space at the press table in the Assembly Chambers and that he be allowed use of appropriate broadcasting facilities.
Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 79 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Goldwater.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 58.
Bill read third time.
Remarks by Assemblyman Grady.
Roll call on Assembly Bill No. 58:
YEAS—40.
NAYS—Collins, Gustavson—2.
Assembly Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 70.

Bill read third time.

Remarks by Assemblymen Goldwater, Mabey, and Hardy.

Potential conflict of interest declared by Assemblymen Hardy and Mabey.

Roll call on Assembly Bill No. 70:

YEAS—42.

NAYS—None.

Assembly Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblymen Sherer, Collins, and Chowning.

Roll call on Assembly Bill No. 83:

YEAS—40.

NAYS—Collins, Gibbons—2.

Assembly Bill No. 83 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 85

Bill read third time.

Remarks by Assemblyman Knecht.

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

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 11:38 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Assembly Bill No. 85 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 144.

Bill read third time.

The following amendment was proposed by Assemblymen Hardy and Mabey:

Amendment No. 212.

Amend section 1, page 1, by deleting lines 4 through 10 and inserting: "*as written unless the pharmacist:*

(a) Knows or has reasonable cause to believe that the prescription is:

(1) Fraudulent;

(2) Issued contrary to law; or

(3) Contraindicated; or

(b) Has moral, ethical or religious standards or beliefs that would preclude him from filling or refilling the prescription.

2. If a pharmacist refuses to dispense a prescription pursuant to subparagraph (3) of paragraph (a) of subsection 1, the pharmacist shall consult with".

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblymen Hardy, Goldwater, and Giunchigliani.

Assemblyman Hardy requested that the following remarks be entered in the Journal:

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker. This would amend AB 144 to allow a pharmacist to practice his moral, ethical, or religious standards and beliefs that would otherwise be precluded from this bill, thereby protecting his First Amendment right.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. With all due respect to my colleagues who are trying to do what they think is right, I have to rise in opposition to Amendment No. 212 to AB 144. What the amendment does, if adopted, is to make the bill unnecessary. We won't need the bill because a pharmacist would not have to fill a prescription for virtually any reason. Additionally, AB 144 currently provides that if pharmacists do not stock a particular drug, they don't have to fill a prescription. The point of the entire bill is to say, if there is a prescription and the pharmacists have the drug, they need to fill the prescription. If the amendment is adopted, there is no reason for the bill.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in opposition to Amendment No. 212 to AB 144. There are several reasons. In the original language of the bill draft, I attempted to get to where this amendment was trying to go. However, after doing further research and through several committee hearings, I found, unknown to me, a learned intermediary doctrine in a case called *Yong S. Gennock v. Warner Lambert Co*. In the context of a learned intermediary, the learned intermediary is a medical expert such as a prescribing physician, whose task is to weigh the benefits of any medication against possible dangers and to make an individualized medical judgment based on the knowledge of both the patient and the palliative. At a minimum, under Nevada law, a pharmacist must be held to a duty to fill prescriptions as prescribed and properly label them, including warnings, and be alert for error. That is what this bill has already been amended to do. Pharmacist are not a medical doctors. They are not entitled to the same type of oath of office that a medical doctor takes, and they are not included under the learned doctrine. They are separate from that and this reaffirms Nevada's interpretation that was done in this case, which is that a pharmacist has a duty to fill. I would urge you to oppose this amendment. Thank you.

Amendment lost.

Roll call on Assembly Bill No. 144:

YEAS—26.

NAYS—Andonov, Angle, Atkinson, Brown, Carpenter, Christensen, Claborn, Goicoechea, Grady, Griffin, Gustavson, Hardy, Knecht, Mabey, McCleary, Weber—16.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 315.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 315:

YEAS—42.

NAYS—None.

Assembly Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 328:

YEAS—40.

NAYS—Arberry, Gibbons—2.

Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 361:

YEAS—42.

NAYS—None.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 402.

Bill read third time.

Remarks by Assemblyman Sherer.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 402:

YEAS—42.

NAYS—None.

Assembly Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 409.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Assembly Bill No. 409:
YEAS—42.
NAYS—None.
Assembly Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 456.
Bill read third time.
Remarks by Assemblymen Williams and Hardy.
Roll call on Assembly Bill No. 456:
YEAS—34.
NAYS—Angle, Beers, Carpenter, Gibbons, Gustavson, Hardy, Knecht, Marvel—8.
Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 520.
Bill read third time.
Remarks by Assemblyman Gustavson.
Roll call on Assembly Bill No. 520:
YEAS—42.
NAYS—None.
Assembly Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 90.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Alison Barton, Jana Brown, Kayden Campbell, Angela Nelson, Rachel Brown, Anissa Hopkins, Sid Wagoner, Christopher Downard, Sean Gallegos, Kansas Hutchinson, Katie Gorman, Stephanie Williams, Amyu Lauder, Andie Andierson, Sheena Jones, Jeff Rogers, Daniel Jolly, Ray Bouers, Whitney Hulme, Aubrey McCombs, Jessica Tonks, Tracy Murtishaw, Daniel Jones, Jessica Wood, P. Reagan Nickels, Tyler Hanson, Walter Biggham, Melissa Mills, Ryan Erickson, Douglas Stadler, Carrie Froyd, Sterling Taylor, Jennifer Powell, Aubrey Ostler, Chad Iwertz, Santi Castilleja, Ivan Hardin, Kyle Van Son, Crystal Richardson, Shawna Bollman, Janina Brown, Dan McLaughlin, Andy Johnson, Joseph Sawyer, Adam Myers, Allison Snyder, Claire Humphrey,

Sarah Zabelsky, Jenny Cupp, James Stockton, Adam Carrion, Alexander Parra, Adam Holland, Cody Shadle, Jay Escamillo, Emily Powell, Cody Stover, Scott Baker, Erica Hasler, Jeff Stults, KayLee Dyer, Angela Johnson, Kathryn Ardans, Heather Shumway, Rachel Victor, Brittany Garvin, Leeann Shumway, Corrie Holmes, Wes Skelton, Chance Sharp, Kyle Kimber, Scott Crowley, Caulder Tempel, Nicholas Hubbard, Jarrod Cain, Christopher Blair, Patrick Gardner, Darleen Capps, Michelle Teeter, Chris Leonard, Billy Segal, Donny Meeks, Robert Curry, Justin Sabato, Danielle Dawson, Ashley Thomas, Josie Burford, Tate Jorgensen, Rose Dumont, Kristy Rasberry, Rebecca Warthen, Alissa Hanks, Ashlee Welday, Elizabeth Rasmussen, Kathy Nielson, Sarah Jensen, Cami Clayton, Shelise Leavitt, Stephanie White, David Rakita, Jonathan Litster, Varun Piplani, Duke Majewski, Jordan Rakita, Nicholas Welch, Daniel Scow, Hesham Elnagar, Spencer Mayer, Amber Brewster, Beth Seastrand, Taylor Thomas, Abby Culverwell, Felicia Rouston, Bailey Schommer, Eric Moss, Joseph Gibson, Benjamin Gibson, Suzanne Vinnit, Laura Judd, Nancy Steel, Ashley Gourley, Jessica Gross, Caryn Crowley, Diana Denis, Adam Kalnin, Kyle Garis, Joseph Nicosia, Carson Knuth, James Eaton, John Coburn, Douglas Carpenter, Nick Pizzo, Marie Duan, Sophia Edwards, Nina Rostrup, Lauren Bishop, Ayla Gafni, Nicole Miller, Trina Wheeler, Anslin Buchanan, Lyndi Mecham, Kyle Johnson, Kris Baumann, Jon LaTorre, Devon Hale, Marci Talcott, Jeff Meyers, Niccole Nordstrom, Nicole Johnson, Cathy Stewart, Larissa Freund, Nhan Diep, Brian Wadsworth, Mark Lorentzen, Nick Nealon, Tyler Clawson, Desiree Clark, Jonathan Ivie, Jacqueline Watanabe, Jacob Black, David White, Matthew Aiazzi, Robert Harding, Ammon Andelin, Cory Hunt, Rebecca Rampton, Annemarie Nevv, Lindsey Hanagarne, Lisa Smith, Brianna Thompson, Jeff Sutich, Jan Bello, Jordan McEwen, Danielle Breithaupt, Nathan Reber, Anna Arane, Matt Andrew, David Branson, Martha O'Neill, Willie Hill, Stewart Peoples, Cheryl Shingler, Mari Beth Burt, and Edith Copeley.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Hughes and Anandi Hughes.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Ormson.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Price.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Brent McCarty.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Price, Mike Johnson, Ginger Paulsen, and Julie Schebe.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Erickson.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Smith.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Carly Nystrom.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Buffy Martin and Charlene Bozak.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Neel.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Hansen, Karen Hansen, Rosalie Goss, Julia Cervantes, Rachel Parsons, Annette Garcia, Sean Smith, Julie Stockard, Shawna Morgan, Miles Adams, Miguel Agulera, Kristina Bernardo, Chelsea Braun, Rachel Dixon, Lauren Going, Kenady Howard, Daniel Kearney, T.J. Kirby, Henry Koch, Chelsea Lane, Dioney Mendez, Melissa Migel, Ryan Milton, Brooke Mori, Cami Palludan, Whitney Shaw, Jordan Stephens, Travis Steve, Tommy Stockard, Jamie Tam, Akira Vallaster, Matt Vanderbeck, Amanda Lingle, Seth Ennis, Jeffrey Beyer, Chanice Bliss, Cherice Bliss, Samantha Bradley, Andrea Bunch, Mark Burton, Demia Cervantes, Ryan Crossland, Lorena deJesus, Justin Delgado, Austin Digiacinto, Zach Harvey, Tasha Huston, Garrett Johnson, Felicia LeClaire, Jeremiah Manning, Alec McClanahan, Andrew Morgan, Lacy Myers, Madison Orozco, Shiva Rajagopal, Tai Robison, Sierra Smith, JD Stotz, Nathan Vezina, Frankie Angulo, and Allison Woolsey.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Elissa Couch and Neal Couch.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, April 7, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:59 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 7, 2003

Assembly called to order at 11:25 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Reverend Albert Tilstra.

Dear God, today I am thinking of paths. How easy it is to take the path already smoothed by other feet, where all the rocks have been removed, all the holes filled in, and signs already mark the way; but maybe that is not the path that You would have us take today. Help us to make a path where we ought to be rather than the one already paved. Our country's pioneers did this. Thank You for their vision and their courage, their commitment that, in the end, populated our country from sea to sea. Although our path may be but a dim reflection of those pioneers' trails, I ask for the vision and courage to risk exploring a wilderness instead of following the ways of others.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 32, 143, 146, 294, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Senate Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 160, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 396 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Buckley moved that the reading of histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 4, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 202, 276, 283, 297, 327, 334, 337, 350, 405, 475.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 44, 59, 126, 204, 207, 266, 269, 315, 417.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 6, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 204, 320, 323, 382, 386, 395, 418, 438, 502, 504, 514, 517, 521, 524, and 533.

MARK STEVENS
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 542—AN ACT relating to the Legislature; making various changes relating to the operation of the Legislature and the Legislative Counsel Bureau; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 44.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 59.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 126.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 202.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 204.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 207.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 266.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 269.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 276.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 283.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 297.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 315.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 327.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 334.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 337.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 350.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 405.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 417.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 475.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

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

Assembly in recess at 11:40 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the action whereby Senate Bill No. 417 was referred to the Committee on Elections, Procedures, and Ethics be rescinded.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 417 be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 341 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 21.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 138.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 3, page 2, by deleting lines 34 through 36 and inserting:

"*(c) Have received a degree*".

Amend sec. 3, page 2, line 39, by deleting "*(e)*" and inserting "*(d)*".

Amend sec. 3, page 2, line 41, by deleting "*5*"and inserting "*3*".

Amend sec. 3, page 2, line 43, by deleting "*(f)*" and inserting "*(e)*".

Amend sec. 3, page 2, line 44, by deleting "*(g)*" and inserting "*(f)*".

Amend sec. 3, page 3, line 1, by deleting "*two members*" and inserting "*one member*".

Amend sec. 3, page 3, by deleting lines 3 and 4 and inserting:

"*(a) Is licensed pursuant to chapter 630 of NRS by the Board of Medical Examiners as a physician;*".

Amend sec. 3, page 3, line 5, by deleting "*Do*" and inserting "*Does*".

Amend sec. 3, page 3, line 7, by deleting "*Do*" and inserting "*Does*".

Amend sec. 3, page 3, line 9, by deleting "*Are citizens*" and inserting: "*Is a citizen*".

Amend sec. 3, page 3, by deleting line 10 and inserting:

"*(e) Is a resident of the State of Nevada and has been for at*".

Amend sec. 3, page 3, between lines 11 and 12, by inserting:

"*3. The Governor shall appoint one member to the Board who:*

(a) Does not engage in the administration of a facility for Oriental medicine or a school for Oriental medicine;

(b) Does not have a pecuniary interest in any matter pertaining to Oriental medicine, except as a patient or potential patient;

(c) Is a citizen of the United States; and

(d) Is a resident of the State of Nevada and has been for at least 1 year preceding appointment to the Board.".

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 4.

Amend sec. 6, page 4, line 19, by deleting: "2 and 3" and inserting: "1 and 2".

Amend the title of the bill, first and second lines, by deleting: "defining the term "accredited";".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 534.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 4.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 396.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Williams:

Amendment No. 192.

Amend section 1, page 1, line 2, by deleting "pilot".

Amend section 1, page 1, line 7, by deleting "$135,000,000" and inserting "$230,000,000".

Amend section 1, page 1, line 9, by deleting: "five existing schools" and inserting: "10 existing older schools, including, without limitation, inner city schools,".

Amend section 1, page 2, line 2, by deleting "renovation or".

Amend section 1, page 2, line 4, after "policy." by inserting: "The schools selected must include elementary schools, at least one middle school or junior high school and at least one high school."

Amend section 1, page 2, line 7, by deleting "2006." and inserting "2008.".

Amend section 1, page 2, line 11, by deleting "pilot".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The Legislature hereby encourages:

1. The Clark County School District to continue to construct and reconstruct schools by using natural lighting (commonly referred to as "daylighting"), multiple stories for buildings when appropriate, solar and other renewable energy sources, and other innovative building designs and plans to provide an effective and ideal learning environment for pupils.

2. The remaining school districts throughout this state to establish plans to reconstruct older schools, including, without limitation, inner city schools, by using daylighting, multiple stories when appropriate, solar and other renewable energy sources, and other innovative building designs and plans to provide an effective and ideal learning environment for pupils.".

Amend the title of the bill to read as follows:

"AN ACT relating to public schools; requiring the Clark County School District to continue its program for the replacement of certain schools; authorizing the Clark County School District to use a certain amount of money from its Fund for Capital Projects to finance the replacement of schools designated for its program; encouraging school districts throughout this state to use certain innovative designs and resources in reconstructing certain schools; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires Clark County School District to continue program for replacement of certain schools. (BDR S-1007)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 30.
Bill read third time.
Remarks by Assemblymen McClain, Gustavson, and Gibbons.
Roll call on Assembly Bill No. 30:
YEAS—40.
NAYS—Gustavson.
EXCUSED—Arberry.
Assembly Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:57 a.m.

ASSEMBLY IN SESSION

At 11:58 a.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

Assembly Bill No. 77.
Bill read third time.
Remarks by Assemblywoman Angle.
Roll call on Assembly Bill No. 77:
YEAS—41.
NAYS—None.
EXCUSED—Arberry.
Assembly Bill No. 77 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 78.
Bill read third time.
Remarks by Assemblyman McCleary.
Roll call on Assembly Bill No. 78:
YEAS—41.
NAYS—None.
EXCUSED—Arberry.
Assembly Bill No. 78 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 95.
Bill read third time.
Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 95:
YEAS—41.
NAYS—None.
EXCUSED—Arberry.
Assembly Bill No. 95 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 107.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 107:
YEAS—41.
NAYS—None.
EXCUSED—Arberry.
Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 322.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 322:
YEAS—41.
NAYS—None.
EXCUSED—Arberry.
Assembly Bill No. 322 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 336.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Assembly Bill No. 336:
YEAS—41.
NAYS—None.
EXCUSED—Arberry.
Assembly Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Bogatz and Sydney Bogatz.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Liz Lopez.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Aubrey Block, Grace Chittenden, Erin Creger, Ashley Crook, Emily Gadbois, Jordan Harloff, Beauttie Kuture, Varun Prasad, Anthony Salerno, Joel Sax, Natasha Shukla, Haley Spector, Aaron Spero, Conner Zundel, Phyllis Gardner, Susan Crook, Sherri Gadbois, Jennifer Spector, Kenji Sax, Suman Prasad, Heather Thompson, Lindsey Nunn, April West, Debbie West, and Rose West.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, April 9, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), April 9, 2003

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Dear God, we have a lot on our plates here. We're occupied with hearings and bills and taxes and meetings, and a war is going on. There's so much, I don't even know what to pray. Help! Thank You.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 234, 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 392, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 287, 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 205, 437, 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 493 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 7, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 394.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 15, 16, 24, 181, 199, 236, 277, 329.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Senate Concurrent Resolution No. 19.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 9, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 273, 467, 482, 515, and 516.

MARK STEVENS
Fiscal Analysis Division

Senate Concurrent Resolution No. 19.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 543—AN ACT relating to taxation; repealing the credit against the general tax on insurance premiums for certain assessments paid by insurers providing industrial insurance; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 15.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 16.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 24.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 181.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 199.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 236.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 277.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 329.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 394.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 79 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 31.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 175.552 is hereby amended to read as follows:

175.552 1. Except as otherwise provided in subsection 2, in every case in which there is a finding that a defendant is guilty of murder of the first

degree, whether or not the death penalty is sought, the court shall conduct a separate penalty hearing. The separate penalty hearing must be conducted as follows:

(a) If the finding is made by a jury, the separate penalty hearing must be conducted in the trial court before the trial jury, as soon as practicable.

(b) If the finding is made upon a plea of guilty or guilty but mentally ill or a trial without a jury and the death penalty is sought, the separate penalty hearing must be conducted before a ~~[panel of three district judges,]~~ *jury impaneled for that purpose,* as soon as practicable.

(c) If the finding is made upon a plea of guilty or guilty but mentally ill or a trial without a jury and the death penalty is not sought, the separate penalty hearing must be conducted before the judge who conducted the trial or who accepted the plea, as soon as practicable.

2. In a case in which the death penalty is not sought, the parties may by stipulation waive the separate penalty hearing required in subsection 1. When stipulating to such a waiver, the parties may also include an agreement to have the sentence, if any, imposed by the trial judge. Any stipulation pursuant to this subsection must be in writing and signed by the defendant, his attorney, if any, and the prosecuting attorney.

3. In the hearing, evidence may be presented concerning aggravating and mitigating circumstances relative to the offense, defendant or victim and on any other matter which the court deems relevant to sentence, whether or not the evidence is ordinarily admissible. Evidence may be offered to refute hearsay matters. No evidence which was secured in violation of the Constitution of the United States or the Constitution of the State of Nevada may be introduced. The State may introduce evidence of additional aggravating circumstances as set forth in NRS 200.033, other than the aggravated nature of the offense itself, only if it has been disclosed to the defendant before the commencement of the penalty hearing.

4. In a case in which the death penalty is not sought, the jury or the trial judge shall determine whether the defendant should be sentenced to life with the possibility of parole or life without the possibility of parole.

Sec. 2. NRS 175.554 is hereby amended to read as follows:

175.554 In cases in which the death penalty is sought:

1. ~~[If the penalty hearing is conducted before a jury, the]~~ *The* court shall instruct the jury at the end of the *penalty* hearing, and shall include in its instructions the aggravating circumstances alleged by the prosecution upon which evidence has been presented during the trial or at the hearing. The court shall also instruct the jury as to the mitigating circumstances alleged by the defense upon which evidence has been presented during the trial or at the hearing.

2. The jury ~~[or the panel of judges]~~ shall determine:

(a) Whether an aggravating circumstance or circumstances are found to exist;

(b) Whether a mitigating circumstance or circumstances are found to exist; and

(c) Based upon these findings, whether the defendant should be sentenced to *imprisonment for a definite term of 50 years,* life imprisonment with the possibility of parole, life imprisonment without the possibility of parole or death.

3. The jury ~~[or the panel of judges]~~ may impose a sentence of death only if it finds at least one aggravating circumstance and further finds that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.

4. If a jury ~~[or a panel of judges]~~ imposes a sentence of death, ~~[the court shall enter its finding in the record, or]~~ the jury shall render a written verdict signed by the foreman. The ~~[finding or]~~ verdict must designate the aggravating circumstance or circumstances which were found beyond a reasonable doubt, and must state that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.".

Amend section 1, page 2, line 5, before "*shall*" by inserting: "*or accepted the plea of guilty*".

Amend section 1, page 2, by deleting lines 6 and 7 and inserting: "*defendant to life without the possibility of parole.*".

Amend the bill as a whole by deleting sec. 2, renumbering sec. 3 as sec. 6 and adding new sections designated sections 4 and 5, following section 1, to read as follows:

"Sec. 4. NRS 176.495 is hereby amended to read as follows:

176.495 1. If for any reason a judgment of death has not been executed, and it remains in force, the court in which the conviction was had must, upon the application of the Attorney General or the district attorney of the county in which the conviction was had, cause another warrant to be drawn, signed by the judge and attested by the clerk under the seal of the court, and delivered to the Director of the Department of Corrections.

2. The warrant must state the conviction and judgment and appoint a week, the first day being Monday and the last day being Sunday, within which the judgment is to be executed. The first day of that week must be not less than 15 days nor more than 30 days after the date of the warrant. The Director shall execute a sentence of death within the week the judgment is to be executed, as designated by the district court. The Director may execute the judgment at any time during that week if a stay of execution is not entered by a court of appropriate jurisdiction.

~~[3. Where sentence was imposed by a district court composed of three judges, the district judge before whom the confession or plea was made, or his successor in office, shall designate the week of execution, the first day being Monday and the last day being Sunday, and sign the warrant.]~~

Sec. 5. NRS 177.055 is hereby amended to read as follows:

177.055 1. When upon a plea of not guilty a judgment of death is entered, an appeal is deemed automatically taken by the defendant without any action by him or his counsel, unless the defendant or his counsel affirmatively waives the appeal within 30 days after the rendition of the judgment.

2. Whether or not the defendant or his counsel affirmatively waives the appeal, the sentence must be reviewed on the record by the Supreme Court, which shall consider, in a single proceeding if an appeal is taken:

(a) Any errors enumerated by way of appeal;

(b) Whether the evidence supports the finding of an aggravating circumstance or circumstances;

(c) Whether the sentence of death was imposed under the influence of passion, prejudice or any arbitrary factor; and

(d) Whether the sentence of death is excessive, considering both the crime and the defendant.

3. The Supreme Court, when reviewing a death sentence, may:

(a) Affirm the sentence of death;

(b) Set the sentence aside and remand the case for a new penalty hearing ~~[:~~

~~(1) If the original penalty hearing was before a jury,]~~ before a newly impaneled jury; or

~~[(2) If the original penalty hearing was before a panel of judges, before a panel of three district judges which must consist, insofar as possible, of the members of the original panel; or]~~

(c) Set aside the sentence of death and impose the sentence of imprisonment for life without possibility of parole.".

Amend sec. 3, page 2, by deleting line 13 and inserting:

"Sec. 6. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district attorney for each county shall".

Amend sec. 3, page 2, line 16, by deleting the comma.

Amend sec. 3, page 2, by deleting line 17 and inserting: "*or voluntary manslaughter. The district*".

Amend the bill as a whole by deleting sections 4 through 6.

Amend sec. 7, page 6, by deleting line 24 and inserting:

"Sec. 7. Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:

Not later than March 1 of each odd-numbered year,".

Amend sec. 7, page 6, line 29, by deleting: "*district courts and*".

Amend sec. 7, page 6, line 30, by deleting: "*sections 3 and 4*" and inserting "*section 6*".

Amend the bill as a whole by adding new sections designated sections 8 and 9 and the text of repealed sections, following sec. 7, to read as follows:

"Sec. 8. NRS 175.558 and 175.562 are herby repealed.

Sec. 9. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

175.558 Procedure when person is convicted upon plea of guilty or guilty but mentally ill or upon trial without jury and death penalty is sought. When any person is convicted of murder of the first degree upon a plea of guilty or guilty but mentally ill, or a trial without a jury, and the death penalty is sought, the Supreme Court shall appoint two district judges from judicial districts other than the district in which the plea is made, who shall with the district judge before whom the plea is made, or his successor in office, conduct the required penalty hearing to determine the presence of aggravating and mitigating circumstances, and give sentence accordingly. A sentence of death may be given only by unanimous vote of the three judges, but any other sentence may be given by the vote of a majority.

175.562 Procedure when panel of judges unable to obtain concurrence of majority for sentence less than death. If the concurrence of a majority cannot be had for any sentence less than death, the Supreme Court shall appoint a new panel of three district judges, none of whom was a member of the original panel, or a succession of such new panels if required. The new panel may in its discretion either give sentence upon the record of the evidence heard before the original panel or supplement the record by recalling the former witnesses or calling new ones. If the panel calls new witnesses, the State and the defendant are each entitled to call new witnesses or offer other evidence relevant to the new testimony. The same vote is required for the giving of sentence by the new panel as by the original panel.".

Amend the title of the bill to read as follows:

"AN ACT relating to criminal procedure; eliminating the panel of judges that conducts the penalty hearing in certain cases in which the death penalty is sought; requiring district attorneys to submit certain information to the Supreme Court concerning cases involving homicide; requiring the Supreme Court to prepare and submit an annual report providing a summary and analysis of that information to the Legislature; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Eliminates panel of judges in certain penalty hearings in which death penalty is sought and requires district attorneys to report certain information concerning certain homicides to Supreme Court. (BDR 14-197)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson, Geddes, Leslie, and Horne.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 13 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 126 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 16.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 70.

Amend sec. 2, page 2, line 17, after "*of*" by inserting "*all*".

Amend sec. 2, page 2, line 18, after "*State*" by inserting: "*, an investigating agency and the court*".

Amend sec. 2, page 2, by deleting lines 23 and 24 and inserting:

"*5. The court shall hold a hearing on a petition filed pursuant to this section.*".

Amend sec. 2, page 2, line 27, by deleting "*probability*" and inserting "*possibility*".

Amend sec. 2, page 2, by deleting lines 31 through 33 and inserting:

"*(b) The evidence to be analyzed exists; and*".

Amend sec. 2, page 3, by deleting lines 4 through 8 and inserting: "*subdivisions, when possible; and*

(2) Satisfy the standards for quality assurance that are established for forensic laboratories by the Federal Bureau of Investigation.".

Amend sec. 2, page 3, by deleting lines 37 through 39 and inserting:

"*(a) Submission of a biological specimen by him to determine his genetic marker information; and*".

Amend sec. 2, page 4, between lines 4 and 5, by inserting:

"*13. The remedy provided by this section is in addition to, is not a substitute for and is not exclusive of any other remedy, right of action or proceeding available to a person convicted of a crime and under sentence of death.*".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 5 and 6.

Amend the title of the bill, sixth line, by deleting: "making an appropriation;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 16 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 126.

Amend the bill as a whole by renumbering section 1 as sec. 9 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. NRS 703.010 is hereby amended to read as follows:

703.010 As used in this chapter, unless the context otherwise requires:

1. *"Affected governmental entity" means a governmental entity for which a tax, fee or assessment is collected pursuant to section 8, 9 or 15 of this act.*

2. "Alternative seller" means a person who sells any competitive, discretionary or potentially competitive component of natural gas service pursuant to NRS 704.993 to 704.999, inclusive.

~~[2.]~~ *3.* "Commission" means the Public Utilities Commission of Nevada.

4. "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

Sec. 2. NRS 703.190 is hereby amended to read as follows:

703.190 1. Except as otherwise provided in this section, all biennial reports, records, proceedings, papers and files of the Commission must be open at all reasonable times to the public.

2. The Commission shall, upon receipt of a request from a public utility, *alternative seller, provider of discretionary natural gas service or eligible customer,* prohibit the disclosure of any *applicable* information in ~~[its]~~ *the* possession *of the Commission or an affected governmental entity* concerning the public utility *, alternative seller, provider of discretionary natural gas service or eligible customer,* if the Commission determines that the information would otherwise be entitled to protection as a trade secret or confidential commercial information pursuant to NRS 49.325 or 600A.070 or Rule 26(c)(7) of the Nevada Rules of Civil Procedure. Upon making such a determination, the Commission shall establish the period during which the information must not be disclosed and a procedure for protecting the information during and after that period.

Sec. 3. NRS 703.191 is hereby amended to read as follows:

703.191 1. Each public utility *that is* regulated by the Commission *or elects to be regulated under an alternative plan of regulation pursuant to*

NRS 704.997, and each alternative seller, provider of discretionary natural gas service and eligible customer shall:

(a) Keep uniform and detailed accounts of all *applicable* business transacted in this state ~~[in the manner]~~ *as* required by the Commission by regulation, and render them to the Commission *or an affected governmental entity* upon its request.

(b) Furnish an annual report to the Commission *and each affected governmental entity* in the form and detail which ~~[it]~~ *the Commission* prescribes by regulation.

2. The reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. If the Commission *or an affected governmental entity* finds that necessary information is not contained in a report submitted pursuant to this section, ~~[it]~~ *the Commission or affected governmental entity* may call for the omitted information at any time.

Sec. 4. NRS 703.195 is hereby amended to read as follows:

703.195 1. Except as otherwise provided in subsection 2, any Commissioner *,* ~~[or]~~ any officer or employee of the Commission who is designated by the Commission, *or any officer or employee of an affected governmental entity who is designated by the affected governmental entity* may examine during regular business hours the books, accounts, records, minutes, papers and property of any public utility *, alternative seller, provider of discretionary natural gas service or eligible customer* who does business in this state, *regardless of* whether ~~[or not]~~ the book, account, record, minutes, paper or property is located within this state.

2. No personnel records of an employee may be examined pursuant to subsection 1 unless the records contain information relating to a matter of public safety or the Commission determines that the examination is required to protect the interests of the public.

3. As used in this section, "personnel records" does not include:

(a) The name of the employee who is the subject of the record;

(b) The gross compensation and perquisites of the employee;

(c) Any record of the business expenses of the employee;

(d) The title or any description of the position held by the employee;

(e) The qualifications required for the position held by the employee;

(f) The business address of the employee;

(g) The telephone number of the employee at his place of business;

(h) The work schedule of the employee;

(i) The date on which the employee began his employment; and

(j) If applicable, the date on which the employment of the employee was terminated.

Sec. 5. NRS 703.196 is hereby amended to read as follows:

703.196 1. Any books, accounts, records, minutes, papers and property of any public utility *, alternative seller, provider of discretionary natural gas*

service or eligible customer that are subject to examination pursuant to NRS 703.190 or 703.195 and are made available to the Commission, any officer or employee of the Commission, *an affected governmental entity, any officer or employee of an affected governmental entity,* the Bureau of Consumer Protection in the Office of the Attorney General or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited, must not be disclosed to the public unless the Commission first determines that the disclosure is justified.

2. The Commission shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:

(a) Granting such protective orders as it deems necessary; and

(b) Holding closed hearings to receive or examine such information.

3. If the Commission closes a hearing to receive or examine such information, it shall:

(a) Restrict access to the records and transcripts of such hearings without the prior approval of the Commission or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and

(b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the Commission.

4. A representative of the regulatory operations staff of the Commission and the Bureau of Consumer Protection:

(a) May attend any closed hearing held pursuant to this section; and

(b) Have access to any records or other information determined to be confidential pursuant to this section.

5. The Commission shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the Commission determines the information may be disclosed, the information must become a part of the records available to the public. Information which the Commission determines may not be disclosed must be kept under seal.

Sec. 6. NRS 703.380 is hereby amended to read as follows:

703.380 1. Unless another penalty is specifically provided, any public utility *, alternative seller, provider of discretionary natural gas service or eligible customer,* or any officer, agent or employee of a public utility *, alternative seller, provider of discretionary natural gas service or eligible customer* who:

(a) Violates any ~~[of the provisions]~~ *applicable provision* of this chapter or ~~[chapters]~~ *chapter* 704, *704B,* 705 ~~[and]~~ *or* 708 of NRS;

(b) Violates any rule or regulation of the Commission; or

(c) Fails, neglects or refuses to obey any order of the Commission or any order of a court requiring compliance with an order of the Commission,

is liable for a civil penalty not to exceed $1,000 per day for each day of the violation and not to exceed $100,000 for any related series of violations.

2. The amount of any civil penalty to be imposed pursuant to this section, and the propriety of any compromise of a penalty, must be determined by a court of competent jurisdiction upon the complaint of the Commission.

3. Subject to the approval of the court, any civil penalty may be compromised by the Commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, must be considered.

4. Any penalty assessed pursuant to this section is not a cost of service ~~[by the]~~ *of a* public utility and may not be included in any new application by a public utility for a rate adjustment or rate increase.

Sec. 7. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. *1. Each provider of discretionary natural gas service shall:*

(a) Collect from each customer who is purchasing natural gas from the provider of discretionary natural gas service any tax, fee or assessment that would be due a governmental entity had the customer continued to purchase natural gas from a public utility that was regulated fully by the Commission pursuant to NRS 704.001 to 704.960, inclusive; and

(b) Remit any tax, fee or assessment collected pursuant to paragraph (a) to the applicable governmental entity.

2. Each person who is responsible for billing a customer who is purchasing natural gas from a provider of discretionary natural gas service shall ensure that the amount which the customer must pay pursuant to this section is set forth as a separate item or entry on each bill submitted to the customer.

3. Upon petition by a governmental entity to which a tax, fee or assessment must be remitted pursuant to this section, the Commission may limit, suspend or revoke any license or other authority conferred by the Commission upon a provider of discretionary natural gas service if the Commission, after providing an appropriate notice and hearing, determines that the provider of discretionary natural gas service has failed to pay the tax, fee or assessment.".

Amend section 1, page 1, by deleting lines 1 and 2.

Amend section 1, page 1, line 3, before "*1.*" by inserting "Sec. 9.".

Amend section 1, page 1, lines 4 and 5, by deleting "*shall collect*" and inserting: "*shall:*

(a) Collect".

Amend section 1, page 1, line 10, by deleting "*inclusive.*" and inserting: "*inclusive; and*

(b) Remit any tax, fee or assessment collected pursuant to paragraph (a) to the applicable governmental entity.".

Amend section 1, page 2, line 1, by deleting "*shall collect*" and inserting: "*shall:*

(a) Collect".

Amend section 1, page 2, line 6, by deleting "*inclusive.*" and inserting: "*inclusive; and*

(b) Remit any tax, fee or assessment collected pursuant to paragraph (a) to the applicable governmental entity.".

Amend section 1, page 2, between lines 12 and 13, by inserting:

"*4. Upon petition by a governmental entity to which a tax, fee or assessment must be remitted pursuant to this section, the Commission may limit, suspend or revoke any license or other authority conferred by the Commission upon a public utility or alternative seller if the Commission, after providing an appropriate notice and hearing, determines that the public utility or alternative seller has failed to pay the tax, fee or assessment.*".

Amend the bill as a whole by renumbering sections 2 through 6 as sections 13 through 17 and adding new sections designated sections 10 through 12, following section 1, to read as follows:

"Sec. 10. NRS 704.635 is hereby amended to read as follows:

704.635 When a complaint has been filed with the Commission alleging that a person is providing a service which requires a certificate of public convenience and necessity, or when the Commission has reason to believe that any provision of NRS 704.005 to 704.751, inclusive, *and section 8 of this act* is being violated, the Commission shall investigate the operation and may, after a hearing, issue an order requiring that the person cease and desist from any operation in violation of NRS 704.005 to 704.751, inclusive ~~[.]~~ *, and section 8 of this act.* The Commission shall enforce the order under the powers vested in the Commission by NRS 704.005 to 704.751, inclusive, *and section 8 of this act* or other law.

Sec. 11. NRS 704.640 is hereby amended to read as follows:

704.640 Except as otherwise provided in NRS 704.281 to 704.284, inclusive, any person who:

1. Operates any public utility to which NRS 704.005 to 704.751, inclusive, *and section 8 of this act* and 704.993 to 704.999, inclusive, *and section 9 of this act* apply without first obtaining a certificate of public convenience and necessity or in violation of its terms;

2. Fails to make any return or report required by NRS 704.005 to 704.751, inclusive, *and section 8 of this act* and 704.993 to 704.999, inclusive, *and section 9 of this act* or by the Commission pursuant to NRS 704.005 to 704.751, inclusive, *and section 8 of this act* and 704.993 to 704.999, inclusive ~~[;]~~ *, and section 9 of this act;*

3. Violates, or procures, aids or abets the violating of any provision of NRS 704.005 to 704.751, inclusive, *and section 8 of this act* and 704.993 to 704.999, inclusive ~~[;]~~ *, and section 9 of this act;*

4. Fails to obey any order, decision or regulation of the Commission;

5. Procures, aids or abets any person in his failure to obey the order, decision or regulation; or

6. Advertises, solicits, proffers bids or otherwise holds himself out to perform as a public utility in violation of any of the provisions of NRS 704.005 to 704.751, inclusive, *and section 8 of this act* and 704.993 to 704.999, inclusive, *and section 9 of this act,*
shall be fined not more than $500.

Sec. 12. NRS 704.660 is hereby amended to read as follows:

704.660 1. Any public utility which furnishes, for compensation, any water for domestic purposes shall furnish each city, town, village or hamlet which it serves with a reasonably adequate supply of water at reasonable pressure for fire protection and at reasonable rates, all to be fixed and determined by the Commission.

2. The duty to furnish a reasonably adequate supply of water provided for in subsection 1 includes the laying of mains with all necessary connections for the proper delivery of the water for fire protection and also the installing of appliances to assure a reasonably sufficient pressure for fire protection.

3. The Commission may fix and determine reasonable rates and prescribe all installations and appliances adequate for the proper utilization and delivery of water for fire protection. The Commission may adopt regulations and practices to be followed by a utility in furnishing water for fire protection, and has complete jurisdiction of all questions arising under the provisions of this section.

4. All proceedings under this section must be conducted pursuant to NRS 703.320 to 703.370, inclusive, and 704.005 to 704.645, inclusive ~~[.]~~ *, and section 8 of this act.* All violations of any order made by the Commission under the provisions of this section are subject to the penalties for similar violations of the provisions of NRS 704.005 to 704.645, inclusive ~~[.]~~ *, and section 8 of this act.*

5. This section applies to and governs all public utilities furnishing water for domestic use on March 26, 1913, unless otherwise expressly provided in the charters, franchises or permits under which those utilities are acting. Each public utility which supplies water for domestic uses after March 26, 1913, is subject to the provisions of this section, regardless of any conditions to the contrary in any charter, franchise or permit of whatever character granted by any county, city, town, village or hamlet within this state, or of any charter, franchise or permit granted by any authority outside this state.".

Amend sec. 2, page 2, line 15, by deleting "*1*" and inserting "*9*".

Amend sec. 3, page 2, line 44, by deleting "*1*" and inserting "*9*".

Amend sec. 4, page 3, lines 14 and 15, by deleting: "*to pay:*

(a) Its" and inserting: "*to:*

(a) Pay its".

Amend sec. 4, page 3, line 17, by deleting "*and*".

Amend sec. 4, page 3, line 18, by deleting "*Any*" and inserting "*Pay any*".

Amend sec. 4, page 3, line 21, by deleting "*utility.*" and inserting: "*utility; and*

(c) Remit any tax, fee or assessment collected pursuant to paragraph (b) to the applicable governmental entity.".

Amend sec. 4, page 3, line 24, by deleting "*this section*" and inserting: "*paragraph (b) of subsection 1*".

Amend sec. 4, page 3, between lines 26 and 27, by inserting:

"*3. Upon petition by a governmental entity to which a tax, fee or assessment must be remitted pursuant to this section, the Commission may limit, suspend or revoke any order issued to an eligible customer by the Commission pursuant to NRS 704B.310 and 704B.320 if the Commission, after providing an appropriate notice and hearing, determines that the eligible customer has failed to pay the tax, fee or assessment.*".

Amend sec. 5, page 5, line 20, by deleting "*4*" and inserting "*15*".

Amend the title of the bill to read as follows:

"AN ACT relating to energy; prohibiting the disclosure of certain information concerning alternative sellers, providers of discretionary natural gas service and eligible customers; requiring certain public utilities, alternative sellers, providers of discretionary natural gas service and eligible customers to keep uniform and detailed accounts of all applicable business transacted in this state and to furnish an annual report to the Commission and affected governmental entities; imposing a civil penalty against an alternative seller, provider of discretionary natural gas service or eligible customer who violates certain provisions; requiring an eligible customer and a customer of a public utility, alternative seller and provider of discretionary natural gas service to pay certain taxes, fees and assessments relating to the purchase of natural gas or energy, capacity or ancillary services under certain circumstances; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises certain provisions governing public utilities, alternative sellers, providers of discretionary natural gas service and eligible customers. (BDR 58-626)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 167.

Amend sec. 2, page 6, by deleting lines 1 through 4 and inserting:

"3. A form that a filing office may not refuse to accept under subsection 1 or 2 must conform to the format prescribed for the form by the National Conference of Commissioners on Uniform State Laws.".

Amend sec. 2, page 7, line 1, by deleting "~~4.~~] *3.*" and inserting "4.".

Amend sec. 4, page 8, by deleting lines 2 and 3 and inserting: "must ~~[:]~~ *be on a form authorized by NRS 104.9521 for the type of*".

Amend the bill as a whole by deleting sec. 5.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "form for the filing and recording of certain documents; and".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 100.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 217.

Amend sec. 4, page 6, line 4, by deleting: "October 1, 2003." and inserting: "January 1, 2005.".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act becomes effective on January 1, 2005.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 199.

Amend sec. 3, page 2, line 41, by deleting "*impose*" and inserting "*enforce*".

Amend sec. 7, page 5, line 30, by deleting: "*Within a reasonable time*" and inserting: "*Not less than 7 days*".

Amend sec. 7, page 5, line 33, by deleting "*and*" and inserting "*or*".

Amend sec. 7, page 5, line 34, by deleting "*any other*" and inserting "*the*".

Amend the title of the bill to read as follows:

"AN ACT relating to labor; revising various provisions relating to the enforcement of the labor laws by the Labor Commissioner; authorizing the Labor Commissioner to impose administrative penalties for certain violations of the labor laws and regulations; requiring the Labor Commissioner to follow certain procedures before enforcing administrative penalties; revising provisions relating to the issuance of subpoenas and the settlement of certain matters; prohibiting employers from changing regular paydays or the place of payment without providing advance written notice to employees; prohibiting

employers from paying employees a lower wage, salary or compensation than the amount earned by the employees when the work was performed; prohibiting employers from decreasing the wage, salary or compensation of employees without providing advance written notice to the employees under certain circumstances; clarifying certain provisions of the labor laws; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 198.

Amend section 1, pages 2 and 3, by deleting lines 32 through 45 on page 2 and lines 1 through 6 on page 3, and inserting:

"(a) ~~[Satisfactory completion of 1 year of courses in engineering that are approved by the Board, by a person who has not graduated from an engineering curriculum, is equivalent to 1 year of active experience in engineering.~~

~~(b) Graduation from a college or university in a field other than engineering is equivalent to 2 years of active experience.~~

~~(c)]~~ *Four of the 10 years of active experience may be satisfied by the completion of course work, but not more than 2 of the 4 years may be satisfied by course work that is not approved by the Board. Course work approved by the Board for the purposes of this paragraph must be related to engineering.*

(b) Two of the 10 years of active experience must have been completed by working under the direct supervision of a professional engineer who is licensed in the discipline in which the applicant is applying for licensure, unless that requirement is waived by the Board.

~~[(d)]~~ *(c)* The execution, as a contractor, of work designed by a professional engineer or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in engineering.".

Amend sec. 3, page 5, by deleting lines 10 through 28 and inserting:

"(a) ~~[Satisfactory completion of 1 year of courses in land surveying that are approved by the Board, by a person who has not graduated from a land surveying curriculum, is equivalent to 1 year of active experience in land surveying.~~

~~(b) Graduation from a college or university in a field other than land surveying is equivalent to 2 years of active experience.~~

~~(c)]~~ *Four of the 10 years of active experience may be satisfied by the completion of course work, but not more than 2 of the 4 years may be satisfied by course work that is not approved by the Board. Course work approved by the Board for the purposes of this paragraph must be related to land surveying.*

(b) Two of the 10 years of active experience must have been completed by working under the direct supervision of a person who is a professional land surveyor unless that requirement is waived by the Board.

~~[(d)]~~ *(c)* The execution, as a contractor, of work designed by a professional land surveyor or the supervision of the construction of that work, as a foreman or superintendent, is not equivalent to active experience in land surveying.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Beers.

Potential conflict of interest declared by Assemblyman Beers.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 151.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 219.

Amend sec. 2, page 2, by deleting lines 12 and 13 and inserting:

"(a) Appoint ~~[the]~~ *a* public guardian *, who serves at the pleasure of the board,* for a term of 4 years from the day of appointment;".

Amend sec. 3, page 2, by deleting line 22 and inserting: "guardian before the expiration of a normal term, the vacancy".

Amend sec. 3, page 2, line 24, by deleting "district court" and inserting: "~~[district court]~~ *board of county commissioners*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 160.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 142.

Amend the bill as a whole by deleting sections 1 through 16, renumbering sections 17 through 21 as sections 3 through 7 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a court issues an extended order which includes an order for the support of a minor child, the court shall order the adverse party to assign to the party who obtained the extended order that portion of the income of the

adverse party which is due or to become due and is sufficient to pay the amount ordered by the court for the support, unless the court finds good cause for the postponement of the assignment. A finding of good cause must be based upon a written finding by the court that the immediate assignment of income would not be in the best interests of the child.

2. An assignment of income ordered pursuant to subsection 1 is subject to the provisions of chapters 31A and 125B of NRS.

3. The Welfare Division of the Department of Human Resources, in consultation with the Judicial Council of the State of Nevada and other interested governmental entities, shall develop procedures and forms to allow a person to whom an assignment is ordered to be made to enforce the assignment in an expeditious and safe manner.

Sec. 2. NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, *and section 1 of this act,* unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.

2. "Temporary order" means a temporary order for protection against domestic violence.".

Amend sec. 18, page 6, line 20, by deleting: "*19 to 26,*" and inserting: "*5 to 13,*".

Amend sec. 19, page 6, by deleting lines 22 through 24 and inserting:

"Sec. 5. *As used in sections 5 to 13, inclusive, of this act, the words and terms defined in sections 6 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*".

Amend the bill as a whole by renumbering sections 22 through 28 as sections 9 through 15, and adding a new section, designated sec. 8, following sec. 21, to read as follows:

"Sec. 8. *"Victim" means a person who alleges that an act of domestic violence or sexual assault has been committed against the person.*".

Amend sec. 22, page 6, by deleting lines 30 and 31 and inserting: "*a nonprofit program that provides assistance to victims with or without compensation*".

Amend sec. 23, page 6, by deleting lines 33 through 35 and inserting:

"Sec. 10. *1. A communication shall be deemed to be confidential if the communication is between a victim and a victim's advocate and is not intended to be*".

Amend sec. 23, page 6, line 37, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 23, page 6, line 39, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 23, page 6, line 41, by deleting "*3.*" and inserting "*(c)*".

Amend sec. 23, page 6, following line 43, by inserting:

"*2. As used in this section, "communication" includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:*

(a) The victim's advocate; or

(b) The nonprofit program for whom the victim's advocate works.".

Amend sec. 24, page 6, line 44, by deleting "*26*" and inserting "*13*".

Amend sec. 24, page 6, by deleting line 45 and inserting: "*act, a victim who seeks*".

Amend sec. 24, page 7, line 4, by deleting "*23*" and inserting "*10*".

Amend sec. 25, page 7, line 5, by deleting "*24*" and inserting "*11*".

Amend sec. 25, page 7, by deleting line 7 and inserting:

"*(a) The victim;*".

Amend sec. 26, page 7, line 13, by deleting "*24*" and inserting "*11*".

Amend sec. 27, page 7, lines 33, 37 and 43, by deleting: "*sections 3 to 16, inclusive,*" and inserting "*section 1*".

Amend sec. 28, page 8, line 34, deleting: "*sections 3 to 16, inclusive,*" and inserting "*section 1*".

Amend the title of the bill to read as follows:

"AN ACT relating to persons in need of protection; requiring a *court to order an assignment of income in an extended order if the order includes an order for support of a child in certain circumstances;* authorizing a court to seal records and waive publication concerning a change of name when the person proves that his personal safety is at risk; providing for privileged communications between victims of domestic violence or sexual assault and their advocates; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 126 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 71.

Amend section 1, page 2, line 7, after "*conceal*" by inserting: "*, or cause to be destroyed, altered, erased, obliterated or concealed,*".

Amend section 1, page 2, line 8, after "*record*" by inserting: "*, including, without limitation, any electronic record,*".

Amend sec. 5, page 3, line 31, after "*regulations*" by inserting: "*or any standards adopted pursuant to such regulations*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 233.

Bill read second time and ordered to third reading.

Assembly Bill No. 294.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 200.

Amend section 1, page 1, line 3, before "*An*" by inserting "*1.*".

Amend section 1, page 1, line 4, after "*or*" by inserting "*chapter*".

Amend section 1, page 2, by deleting lines 1 through 6 and inserting: "*of permanent total disability benefits that includes a restrictive endorsement.*

2. An insurer may issue a check pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for the payment of temporary total disability, temporary partial disability, permanent partial disability or rehabilitation maintenance benefits that includes a restrictive endorsement.

3. If an insurer issues a check that includes a restrictive endorsement pursuant to subsection 2, the restrictive endorsement must:

(a) Clearly and accurately state the restrictive conditions; and

(b) Not provide for any condition or restriction not authorized under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.".

Amend the title of the bill to read as follows:

"AN ACT relating to industrial insurance; prohibiting an insurer from issuing a check for the payment of benefits for permanent total disability that includes a restrictive endorsement; providing that an insurer may issue a check for the payment of certain benefits for industrial insurance that includes a restrictive endorsement; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes related to issuance of checks by insurer for payment of industrial insurance benefits. (BDR 53-1122)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 214.

Amend sec. 2, page 1, line 9, by deleting "*and*".

Amend sec. 2, page 1, by deleting lines 10 through 12 and inserting:

"*(b) The executive board of the association and any master association approve the transient commercial use, unless the planned community and one or more hotels are subject to the governing documents of the master association;*

(c) The zoning applicable to the unit does not prohibit or limit transient commercial use; and

(d) The person has obtained any license required by the local government for such use.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 397.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 218.

Amend the bill as a whole by deleting sections 2 and 3 and adding a new section designated sec. 2, following section 1, to read as follows.

"Sec. 2. The amendatory provisions of this act apply to any action filed on or after October 1, 2003.".

Amend the text of the repealed section by deleting the text of NRS 37.190.

Amend the title of the bill to read as follows:

"AN ACT relating to eminent domain; prohibiting penalties from being imposed upon a person for rejecting an offer of judgment and proceeding to trial in actions concerning eminent domain regardless of the outcome of the trial; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 211.

Amend sec. 3, page 2, lines 7, 13 and 14, after "*officer*" by inserting "*or investigator*".

Amend sec. 3, page 2, line 16, by deleting "*officer:*" and inserting: "*officer or investigator:*".

Amend sec. 3, page 2, lines 23 and 26, after "*officer*" by inserting "*or investigator*".

Amend sec. 6, page 3, by deleting lines 18 through 26 and inserting: "~~[mail in duplicate]~~ *furnish* to the sheriff of the county a full, true and correct

transcript of the record of all transactions had on the preceding day. *The transcript must be furnished by mail or by any other means, including, without limitation, by electronic or facsimile transmission, as directed by the sheriff.*

(b) Any incorporated city shall, before 12 m. of each day, furnish ~~[, by mail or any other means, in duplicate]~~ to the chief of police of the city, a full, true and correct transcript of the record of all transactions had on the preceding day. *The transcript must be furnished by mail or by any other means, including, without limitation, by electronic or facsimile transmission, as directed by the chief of police.*". .

Amend the title of the bill, ninth line, after "officer" by inserting "or investigator".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 459.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 5.

Resolution read second time and ordered to third reading.

Assembly Bill No. 126.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 169.

Amend section 1, page 2, by deleting lines 6 through 9 and inserting:

"2. Exploitation" means any act taken by a person who has the trust and confidence of an older person or any use of the power of attorney or guardianship of an older person to ~~[obtain]~~ *:*

(a) Obtain control, through".

Amend section 1, page 2, line 13, by deleting "property. As" and inserting: "property ~~[.]~~ *; or*

(b) Convert, money, assets or property of the older person with the intention of permanently depriving the older person of the ownership, use, benefit or possession of his money, assets or property.

As".

Amend section 1, page 2, line 14, by deleting " ~~[subsection,]~~ *paragraph,*" and inserting "subsection,".

Amend section 1, page 2 by deleting lines 16 through 24.

Amend sec. 2, page 3, by deleting lines 35 through 39 and inserting:

"(b) "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to ~~[obtain]~~ *:*

(1) Obtain control, through deception, intimidation".

Amend sec. 2, page 3, line 43, by deleting "property. As" and inserting: "property ~~[.]~~ *; or*

(2) Convert, money, assets or property of the older person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his money, assets or property.
As".

Amend sec. 2, page 3, line 44, by deleting " ~~[paragraph,]~~ *subparagraph,*" and inserting "paragraph,".

Amend sec. 2, page 4, by deleting lines 3 through 12.

Amend the title of the bill to read as follows:

"AN ACT relating to exploitation; revising the definition of "exploitation" for the purposes of certain provisions concerning the abuse of an older person to include converting money, assets or property of the older person under certain circumstances; revising the definition of "exploitation" for the purposes of certain provisions concerning civil liability of a person for exploiting an older person or vulnerable person to include converting money, assets or property of the older or vulnerable person under certain circumstances; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that upon return from the printer Assembly Bills Nos. 126 and 163 be re-referred to the Committee on Ways and Means.

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

Assembly in recess at 12:04 p.m.

ASSEMBLY IN SESSION

At 12:05 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Anderson withdrew the motion that Assembly Bills Nos. 126 and 163 be re-referred to the Committee on Ways and Means.

Assemblywoman Giunchigliani moved that Assembly Bill No. 233 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assembly Bill No. 79.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 266.

Amend sec. 16, page 10, by deleting lines 40 through 42 and inserting: "*a managed care organization to deny all or part of a service or procedure that is proposed or being provided to an insured on the basis that it is not medically necessary or appropriate or is".*

Amend sec. 26, page 14, by deleting lines 34 through 37 and inserting:

"Sec. 26. *1. If the determination of an external review organization concerning an external review of a final adverse determination is in favor of the insured, the determination is final, conclusive and binding upon the managed care organization.".*

Amend sec. 28, page 15, by deleting lines 25 though 27 and inserting:

"*(a) Upheld during the immediately preceding year.*

(b) Reversed during the immediately preceding year.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 21.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Beers.

Roll call on Assembly Bill No. 21:

YEAS—30.

NAYS—Angle, Beers, Christensen, Grady, Gustavson, Hettrick, Knecht, Leslie, Mabey, Marvel, Mortenson, Sherer—12.

Assembly Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 396.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 396:

YEAS—42.

NAYS—None.

Assembly Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 534

Bill read third time.

Remarks by Assemblyman Goicoechea.

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

Assembly in recess at 12:19 p.m.

ASSEMBLY IN SESSION

At 12:20 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Assembly Bill No. 534 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 335 be taken from the Chief Clerk's desk and placed on the Second Reading File.
Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 443 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 443.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 443:
YEAS—42.
NAYS—None.
Assembly Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.
Resolution read third time.
Remarks by Assemblyman Conklin.
Roll call on Assembly Joint Resolution No. 4:
YEAS—38.
NAYS—Chowning, Claborn, McCleary, Pierce—4.
Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 335.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 27.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Farrell and Diana Brown.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Brittany Clelan and Dennis Cocking.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Cooney and Roni Davis.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Waskiewicz.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Penny Echan, Annie Franey, and Jessi Evans.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Kerry Hawk and Rich Hodge.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Virginia Boyar.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Debi Kay Jones and Kelley-Anne Keiper.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Edie Grub, Dennis Green, Kay Green, Rose Marie Price, Karen McEntire, Alice Helm, Alice Downer, Stacie Wilke, Kathy Mills, Jackie Briggs, Sandy Borges, Debbie Fry, Tennie Scott, Brad Scott, Doris Haberson, Gertrude Gottschalk, Sandra Hudgens, Peggy Kelly, and Vivian Pickett.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Lawrence Howell and Michael Johnson.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Kenninger and Matthew Krystofiak.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Marzocco and Nancy McDermid.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Wiggins.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Laning, Karen Seale, and Randall Tod.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Habardier.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Rosa Molina, Kerry Lee, Lana Eng, Mischon Boucher, Brandy Kindred, Carrie Hunter, Pedro Alvarez, Edgar Anguiano, Luz Barajas, Johana Cervantes, Ana Karen Cholico, Mayra Del Carmen Corona, Priscilla De La Vega, Hector Echeverria, Andy Hernandez, Brandon Jacoby, Amanda Keefer, Diana Lara, Jesus Lopez, Eric Morales, Maria Prado, Cinthia Ramirez, Jehovani Ruiz, Melanie Salem, Joel Soto, Tatiana Tirona, Alvaro Trujillo, Edward Wrubel, Jing Yang, Cynthia Acosta, Eduardo Anguiano, Lilia Barajas, Michelle Batson, Thomas Estrada, Daron Franklin, Maria Gomez, Aaron Hernandez, Alejandro Hernandez, Robert Martindale, Wendy Mendez, Jair Montes, Justin Nelson, Linda Perez, Evan Prospero Vargas, Ericka Salgado, Estefania Sanchez, Aron Sapien, Janet Segura, John Shine, Katrina Talanoa, Michael Valencia, Bernard Barcega, Eric Beltejar, Jasnique Body, Vanessa Casteneda, Elizabeth Castillo, Cheryl Contreras, Joaquin Cordova, Zerafin Cortez, Miguel Garibay, Leo Gumabo, Lilian Haro, Ashley Herzberg, Neil Lockhart, Alan Lopez, Wendy Mederos, Eduardo Mendoza, Victor Mendoza, Ashley Minera, Oscar Salgado Guzman, Jose Segura-Saldana, Robert Sinclair, Kera Sparks, Roxana Vera, Sara Castillo, Lizeth Chiriboga, Victor Duran, Rachel Eamigh, Norberto Garcia, Alejandra Gaspar, Jenica Gonzales, Gabriela Gonzalez, Raul Gonzalez, Daniela Guajardo, Josue Guevara, Jesus Infante, Kevin Lemus, Anthony Lopez, Ricardo Mederos, Gloria Olivera, Pisal Pornpaladisai, Edwin Santiago, Tyler Smith, Iliana Victorio, Jesus Villa, and Areli Zamudio.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Pasquinelli.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Strain.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Reed and Nicole Robbins.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Sierra Sneed.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Spalding, Paula Glidden, Kelly Duffy, Patricia Cox, Don Cox, David Cox, and Candice Trummell.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Slater, Cheryl Fillings, and Bill Cottrill.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 11, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 11, 2003

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Albert Tilstra.

We pray for those who live in cities, O God, who live surrounded by tall buildings and bustling crowds. We pray for people who live in rural areas as well, for those who appreciate verdant fields, rolling desert hills, and earthy fragrances. We pray for those who live in luxury and those who struggle in poverty, for the people who are gainfully employed, and those who beg for change. We pray for the ones without friends and for those who confidently assume everyone loves them. We are all Americans. We are all connected. Help us feel that bond. If we have plenty, inspire us to share. If we are happy and content, remind us to reach out to others. If we are literate, may we work that all might read. We do not live for ourselves alone; help us to work for liberty and justice for all.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 354, 407, 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 381, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 253, 255, 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Assembly Bill No. 386 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

Assemblywoman Buckley moved that MEDIX 21, INTERNATIONAL PRESS ASSOCIATION: Robert McLellan, be accepted as an accredited press representative, that he be assigned space at the press table in the Assembly Chambers and that he be allowed use of appropriate broadcasting facilities.

Motion carried.

Assemblyman Collins moved that Assembly Bill No. 486 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

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

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:16 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Collins withdrew the motion that Assembly Bill No. 486 be re-referred to the Committee on Ways and Means.

Assemblyman Collins moved that Assembly Bill No. 486 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 205 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 9, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 465, 467, 469, 470.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 78, 94, 116, 300.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 11, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 249, 345, 493, 494, and 543.

MARK STEVENS
Fiscal Analysis Division

April 11, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 461.

MARK STEVENS
Fiscal Analysis Division

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 14—Proposing to amend the Nevada Constitution to revise the provisions governing the right to vote to ensure that all lawful residents of Nevada are allowed to vote and to repeal an obsolete provision relating to the election of United States Senators.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 2 of the Nevada Constitution be amended to read as follows:

Section 1. All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the state six months, and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; *provided,* that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights . ~~[, and no idiot or insane person shall be entitled to the privilege of an elector.]~~ There shall be no denial of the elective franchise at any election on account of sex. The legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this state for President and Vice President of the United States.

And be it further

RESOLVED, That Section 34 of Article 4 of the Nevada Constitution is hereby repealed.

TEXT OF REPEALED SECTION

Sec: *34. Election of United States Senators.* In all elections for United States Senators, such elections shall be held in joint convention of both Houses of the Legislature. It shall be the duty of the Legislature which convenes next preceding the expiration of the term of such Senator, to elect his successor. If a vacancy in such Senatorial representation from any cause occur, it shall be the duty of the Legislature then in Session or at the succeeding Session thereof, to supply such vacancy[.] If the Legislature shall at any time as herein provided, fail to unite in a joint convention within twenty days after the commencement of the Session of the Legislature for the election [of] such Senator it shall be the duty of the Governor, by proclamation to convene the two Houses of the Legislature in joint convention, within not less than five days nor exceeding ten days from the publication of his proclamation, and the joint convention when so assembled shall proceed to elect the Senator as herein provided.

Assemblyman Mortenson moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 420 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 163 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 78.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 94.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Judiciary and Health and Human Services.

Motion carried.

Senate Bill No. 116.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 300.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 465.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 467.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 469.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 470.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

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

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:36 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Assembly Standing Committee on Taxation.
For: Assembly Bill No. 204.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above).
Has been granted effective: April 11, 2003.

WILLIAM J. RAGGIO	RICHARD D. PERKINS
Senate Majority Leader	*Speaker of the Assembly*

A Waiver requested by Assembly Standing Committee on Taxation.
For: Assembly Bill No. 281.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above).
Has been granted effective: April 11, 2003.

WILLIAM J. RAGGIO	RICHARD D. PERKINS
Senate Majority Leader	*Speaker of the Assembly*

SECOND READING AND AMENDMENT

Assembly Bill No. 52.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 150.
Amend section 1, page 1, by deleting lines 6 through 8 and inserting: "*Forces of the United States during:*

(1) World War II and so served at any time between September 16, 1940, and December 31, 1946;

(2) The Korean War and so served at any time between June 25, 1950, and January 31, 1955; or

(3) The Vietnam Era and so served at any time between January 1, 1961, and May 7, 1975;".

Amend section 1, page 2, by deleting lines 6 through 9 and inserting: "*diploma to such a person even if the person:*

(a) Holds a general educational development credential or its equivalent; or

(b) Is deceased, if the family of the veteran requests the issuance of the diploma.

3. The State Board and the Office of Veterans' Services shall work cooperatively to establish guidelines".

Amend sec. 2, page 2, line 15, by deleting: "on July 1, 2003." and inserting: "upon passage and approval.".

Amend the title of the bill to read as follows:

"AN ACT relating to veterans; providing for the issuance of standard high school diplomas to certain veterans who served in the Armed Forces; requiring the State Board of Education and the Office of Veterans' Services to establish guidelines for identifying and issuing standard high school diplomas to such veterans; and providing other matters properly relating thereto.".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 168.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

On or before the fifth day of each month, the Director shall submit to each county clerk in this state a list which provides:

1. The name of each offender who was released from prison by expiration of his term of imprisonment during the previous month or who was discharged from parole during the previous month; and

2. The case number of each offense for which the offender was released or discharged.".

Amend the title of the bill, sixth line, after "county;" by inserting: "requiring the Director of the Department to submit a list each month to each

county clerk providing certain information concerning offenders who were released from prison or discharged from parole during the previous month;".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires Director of Department to submit list to each county clerk providing certain information concerning offenders who were released from prison or discharged from parole during previous month. (BDR 14-532)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 38.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local law enforcement agency may conduct random, unannounced inspections at locations within its jurisdiction where alcoholic beverages are sold, distributed or offered for sale to inspect for and enforce compliance with NRS 202.055.

2. For assistance in conducting any such inspection, the local law enforcement agency may enter into an agreement with:

(a) The Attorney General; or

(b) Any other person who will, in the opinion of the law enforcement agency, perform the inspection in a fair and impartial manner.

3. If the inspector desires to enlist the assistance of a child under 18 years of age for such an inspection, the inspector shall obtain the written consent of the child's parent for such assistance.

4. A person under 21 years of age assisting in an inspection pursuant to this section shall, if questioned about his age, state his true age and that he is under 21 years of age.

5. If a person under 21 years of age is assisting in an inspection pursuant to this section, the person supervising the inspection shall:

(a) Refrain from altering or attempting to alter the person's appearance to make him appear to be 21 years of age or older.

(b) Photograph the person immediately before the inspection is to occur and retain any photographs taken of the person pursuant to this paragraph.

6. The person supervising an inspection using the assistance of a person under 21 years of age shall, within a reasonable time after the inspection is completed:

(a) Inform a representative of the business establishment from which the person attempted to purchase an alcoholic beverage that an inspection has been performed and of the results of that inspection.

(b) Prepare a report regarding the inspection. The report must include, without limitation:

(1) The name of the person who supervised the inspection and the position held by him;

(2) The age and date of birth of the person under 21 years of age who assisted in the inspection;

(3) The name and position of the person from whom the person under 21 years of age attempted to purchase the alcoholic beverage;

(4) The name and address of the establishment at which the person under 21 years of age attempted to purchase the alcoholic beverage;

(5) The date and time of the inspection; and

(6) The result of the inspection, including whether the inspection resulted in the sale, distribution or offering for sale of an alcoholic beverage to the person under 21 years of age.

7. No civil or criminal action based upon an alleged violation of NRS 202.055 may be brought as a result of an inspection for compliance in which the assistance of a person under 21 years of age has been enlisted unless the inspection has been conducted in accordance with the provisions of this section.

Sec. 2. NRS 202.015 is hereby amended to read as follows:

202.015 For the purposes of NRS 202.015 to 202.065, inclusive, *and section 1 of this act,* "alcoholic beverage" means:

1. Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing one-half of 1 percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

2. Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of 1 percent of alcohol by volume.

3. Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.".

Amend section 1, page 2, by deleting lines 15 through 17 and inserting:

"*4. Upon the written request of a local law enforcement agency, the Attorney General may investigate and prosecute any violation of this section.*".

Amend the title of the bill to read as follows:

"AN ACT relating to alcoholic beverages; authorizing a local law enforcement agency to conduct random inspections to enforce compliance with certain laws pertaining to the sale of alcoholic beverages; authorizing the Attorney General to investigate and prosecute the sale or distribution of

an alcoholic beverage to a person under 21 years of age in certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning investigation and prosecution of certain persons who sell or distribute alcoholic beverages to person under 21 years of age. (BDR 15-436)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

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

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 11:44 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 108 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 117.

Bill read second time and ordered to third reading.

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 152.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall adopt a policy concerning the use and possession by pupils of a pager, cellular telephone or any other similar electronic device used for communication while on the premises of a public school or while at an activity sponsored by a public school.

2. The policy adopted pursuant to subsection 1 must:

(a) Prescribe appropriate measures for disciplining a pupil who violates the policy.

(b) Be included within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

Sec. 2. The board of trustees of each school district shall adopt a policy required by section 1 of this act on or before September 1, 2003.".

Amend the title of the bill, first line, after "to pupils;" by inserting: "requiring the boards of trustees of school districts to adopt policies concerning the use and possession by pupils of pagers, cellular telephones and other similar electronic devices while on the premises of a public school or while at an activity sponsored by a public school;".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing use of cellular telephones, pagers and other electronic devices on school property. (BDR 34-385)".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 242.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"*1. Any passenger 18 years of age or older*".

Amend section 1, page 1, line 5, by deleting "*or limousine,*".

Amend section 1, page 2, line 1, by deleting "*driver or*".

Amend section 1, page 2, line 4, by deleting "*or limousine*".

Amend section 1, page 2, by deleting lines 6 through 15 and inserting:

"*2. A citation must be issued to any passenger who violates the provisions of subsection 1.*".

Amend section 1, page 2, line 16, by deleting "*violations.*".

Amend section 1, page 2, line 19, by deleting "*or 2*".

Amend section 1, page 2, by deleting line 22 and inserting:

"*3. A violation of subsection 1:*".

Amend section 1, page 2, by deleting line 30 and inserting:

"*4. An owner or operator of a taxicab shall post a*".

Amend section 1, page 2, line 31, by deleting "*and limousines*".

Amend section 1, page 2, by deleting line 32 and inserting: "*passengers that they must wear*".

Amend section 1, page 2, line 33, by deleting: "*taxicab or limousine.*" and inserting "*taxicab.*".

Amend section 1, page 2, lines 34 and 36, by deleting "*or limousine*".

Amend the title of the bill to read as follows:

"AN ACT relating to safety belts; requiring certain passengers of taxicabs to wear safety belts; requiring signs within taxicabs advising passengers that

they must wear safety belts while being transported by the taxicab; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires certain passengers of taxicabs to wear safety belts. (BDR 43-1079)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 234.

Bill read second time and ordered to third reading.

Assembly Bill No. 287.

Bill read second time and ordered to third reading.

Assembly Bill No. 292.

Bill read second time and ordered to third reading.

Assembly Bill No. 299.

Bill read second time and ordered to third reading.

Assembly Bill No. 392.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 222.

Amend section 1, page 1, lines 9 and 11, by deleting "*17*" and inserting "*15*".

Amend section 1, page 1, lines 12 and 14, by deleting "*24*" and inserting "*25*".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 437.

Bill read second time and ordered to third reading.

Assembly Bill No. 448.

Bill read second time and ordered to third reading.

Assembly Bill No. 509.

Bill read second time and ordered to third reading.

Assembly Bill No. 518.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 243.

Amend section 1, page 2, by deleting lines 14 through 33 and inserting: "Authority shall not accept the submission or filing of any application for:

(a) A new certificate of public convenience and necessity for the operation of a livery or traditional limousine in a county whose population is 400,000 or more.

(b) The modification of a certificate of public convenience and necessity issued to a fully regulated carrier of passengers for the operation of a livery or traditional limousine if the application for modification is to increase the number of limousines to be operated pursuant to the certificate of public convenience and necessity in a county whose population is 400,000 or more.

2. An unlimited certificate of public convenience and necessity for the operation of a livery or traditional limousine issued to a fully regulated carrier of passengers by the Transportation Services Authority is void and revoked for the period from the effective date of this act to July 1, 2005, to the extent that the carrier has not, before the effective date of this act, registered in this state each authorized limousine covered by the certificate of public convenience and necessity.".

Amend sec. 2, page 3, by deleting lines 20 through 23 and inserting:

"2. The committee shall consider:

(a) Whether an allocation system is appropriate for the issuance of certificates of public convenience and necessity for limousines operated in a county whose population is 400,000 or more;".

Amend the preamble of the bill, page 1, by deleting lines 6 through 8 and inserting:

"WHEREAS, In Southern Nevada the excessive number of limousines has been negatively affecting the integrity and viability of the limousine industry and is now also negatively affecting".

Amend the title of the bill, second line, by deleting "approving" and inserting "accepting".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Assemblywoman Chowning moved that upon return from the printer Assembly Bill No. 518 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 531.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 163.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 363.

Amend sec. 2, page 2, line 37, by deleting "$100,000," and inserting "~~[$100,000,]~~ *$500,000,*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 32, 69, 79, 92, 100, 126, 143, 146, 151, 160, 294, 319, 335, 397, 459 and Senate Joint Resolution No. 5 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Doll, Brad Wale, Jimmy Black, Chris Cook, Sean Irvine, Jennifer Flaig, Cecilia Barrera, Sean Taft, Kimberly Doyle, Paula Downs, Brian Marchant, Rachael Wilhelmi, Renee Pistoresi, Edgal Holme, Tiffany Eichen, Michelle Miller, Jeff Torres, Max Hanson, Charles Boutwell, Terry Carrier, John Jefferis, Christina Holm, Melissa Bowers, Ashley Tinsley, Corienda Hun, Dallas Crawford, Dawn Bell, Tiffany Throne, Stephen Meltson, Tisha Mack, Chris Green, Salvador Martinez, Spencer Don, April Forinash, Lila Frayo, Arcardio Rivera, Athony Abbot, Crystal Bell, Katie Berhorst, Morgan Bishop, Jeremy Craig, Travis Finkle, Brandi Foster, Tyson Kanalulu, Jacob McVay, Sierra Polacek, Matthew Porter, Jeremiah Simpson, Christopher Velasco, and Alana White.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, April 14, 2003, at 10:00 a.m.

Motion carried.

Assembly adjourned at 12:00 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday) April 14, 2003

Assembly called to order at 10:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor John Jackson.

Dear Lord, we thank You for this bright and beautiful day. We ask for Your wisdom and discernment as we consider matters of importance to our state and to our people this day. And Lord, on the first day of the week before Easter, help us to be people filled with the hope of the Resurrection. Fill us with the hope of new life. Fill us with Your peace.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and re-refer to the Committee on Ways and Means.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 132, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 155, 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 11, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 281, 288, 378, 397, 433, 437, 476.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 62, 135, 149, 172.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 11, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 476 and 486.

MARK STEVENS
Fiscal Analysis Division

Assemblywoman Buckley moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 62.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 135.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 149.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 172.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 281.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 288.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 378.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 397.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 433.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 437.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 476.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 26.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting:

"*For the purposes of the design and construction of buildings or other projects of this state, the Board shall adopt by regulation:*

1. The seismic provisions of the International Building Code published by the International Code Council; and

2. Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.".

Amend sec. 2, page 2, by deleting lines 22 through 29 and inserting: "heating of a structure, to the extent the local climate allows . ~~[, as intended by:~~

~~(a) The Uniform Building Code adopted by the International Conference of Building Officials in the form most recently published before March 1, 1995; and~~

~~(b) The Model Energy Code adopted by the Council of American Building Officials in the form most recently published before March 1, 1995.]~~".

Amend sec. 2, page 2, by deleting lines 33 through 36 and inserting: ~~"~~*published by the International Code Council; and*

(b) Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.~~"~~.

Amend the bill as a whole by deleting sec. 3 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective on July 1, 2003, for the purposes of:

1. The State Public Works Board adopting the seismic provisions and standards specified in section 1 of this act; and

2. A governing body amending its building codes to include the seismic provisions and standards specified in subsection 5 of NRS 278.580, as amended by section 2 of this act, and on July 1, 2004, for all other purposes.".

Amend the title of the bill to read as follows:

"AN ACT relating to construction; requiring the State Public Works Board to adopt certain seismic standards; requiring certain governing bodies to amend their building codes to include certain seismic standards; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires State Public Works Board to adopt certain seismic standards and requires certain governing bodies to amend their building codes to include certain seismic standards. (BDR 28-206)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 56.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 287.270 is hereby amended to read as follows:

287.270 "Deferred compensation" means income which a state employee or employee of the University and Community College System of Nevada may legally set aside under the Program, which may consist of one or more plans authorized by 26 U.S.C. § 401(a), 401(k), 403(b) or 457 *, or any other plan authorized by any federal law to reduce taxable compensation or other forms of compensation,* and which income, while invested under the Program, is exempt from federal income taxes on the employee's contributions and interest, dividends and capital gains.".

Amend section 1, page 1, line 7, by deleting: "~~[or 457.]~~ *, 457*" and inserting: "or 457 ~~[.]~~ *,*".

Amend section 1, page 2, line 19, by deleting: "401(a) or 457(g)," and inserting: *"*401(a) *, 401(k), 403(b)* or 457(g), *or any other federal law authorizing a plan to reduce taxable compensation or other forms of compensation,".*

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. NRS 287.340 is hereby amended to read as follows:

287.340 1. Deferrals of compensation may be withheld as deductions from the payroll in accordance with the agreement between the employer and a participating employee.

2. The amount of deferred compensation set aside by the employer to a plan under the Program during any calendar year may not exceed the amount authorized by 26 U.S.C. § 401(a), 401(k), 403(b) *,* ~~[or]~~ 457, *or any other federal law authorizing a plan to reduce taxable compensation or other forms of compensation,* as applicable.

Sec. 4. NRS 287.350 is hereby amended to read as follows:

287.350 1. No plan in the program becomes effective and no deferral may be made until the plan meets the requirements of 26 U.S.C. § 401(a), 401(k), 403(b) or 457, *or any other federal law authorizing a plan to reduce taxable compensation or other forms of compensation,* as applicable, for eligibility.

2. Income deferred during a period in which no income tax is imposed by the State or a political subdivision may not be taxed when paid to the employee.".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 185.

Amend sec. 3, page 1, line 15, by deleting "*intimidated.*" and inserting: "*intimidated, threatened or coerced.*".

Amend sec. 3, page 2, by deleting line 1 and inserting:

"*5. To return a spoiled ballot and is entitled to receive*".

Amend sec. 3, page 2, line 12, by deleting "*system*" and inserting "*standard*".

Amend sec. 4, page 2, line 16, before "*The*" by inserting "*1.*".

Amend sec. 4, page 2, line 18, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 4, page 2, line 20, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 4, page 2, line 21, after "*public;*" by inserting "*and*".

Amend sec. 4, page 2, by deleting lines 22 and 23.

Amend sec. 4, page 2, line 24, by deleting "*4.*" and inserting "*(c)*".

Amend sec. 4, page 2, between lines 25 and 26, by inserting:

"*2. The Secretary of State shall ensure that the Voters' Bill of Rights is posted on his Internet website.*".

Amend sec. 5, page 2, line 26, by deleting: "of subsection 1".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 253.

Bill read second time and ordered to third reading.

Assembly Bill No. 255.

Bill read second time and ordered to third reading.

Assembly Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 155.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 through 8 as sections 1 through 6.

Amend sec. 3, page 3, by deleting lines 36 and 37 and inserting:

"Section 1. Chapter 33 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.".

Amend sec. 4, page 3, by deleting lines 38 through 42 and inserting:

"Sec. 2. *1. In addition to any other remedy provided by law, the parent or guardian of a child may petition any court of competent jurisdiction on behalf of the child for a temporary or extended order against a person who*

the parent or guardian reasonably believes has committed or is committing a crime involving:

(a) Physical or mental injury to the child of a nonaccidental nature; or

(b) Sexual abuse or sexual exploitation of the child.

2. If such an order on behalf of a child is granted, the court may direct the person who allegedly committed or is committing the crime to:".

Amend sec. 4, page 3, line 44, by deleting: "*victim of the alleged crime*" and inserting "*child*".

Amend sec. 4, page 4, line 2, by deleting: "*victim of the alleged crime*" and inserting "*child*".

Amend sec. 4, page 4, line 5, by deleting "*victim.*" and inserting "*child.*".

Amend sec. 4, page 4, line 6, by deleting "*2.*" and inserting "*3.*".

Amend sec. 4, page 4, by deleting line 7 and inserting: "*described in subsection 1 is released from custody*".

Amend sec. 4, page 4, line 12, by deleting: "*victim of the alleged crime*" and inserting: "*child against whom the alleged crime was committed*".

Amend sec. 4, page 4, line 15, by deleting: "*victim of the alleged crime*" and inserting: "*child against whom the alleged crime was committed*".

Amend sec. 4, page 4, line 18, by deleting "*victim.*" and inserting "*child.*".

Amend sec. 4, page 4, line 19, by deleting "*3.*" and inserting "*4.*".

Amend sec. 4, page 4, line 22, by deleting "*4.*" and inserting "*5.*".

Amend sec. 4, page 4, line 27, by deleting "*5.*" and inserting "*6.*".

Amend sec. 4, page 4, line 31, by deleting "*6.*" and inserting "*7.*".

Amend sec. 5, pages 4 and 5, line 42 on page 4 and lines 4, 8 and 11 on page 5, by deleting "*4*" and inserting "*2*".

Amend sec. 6, page 5, line 14, by deleting "*4*" and inserting "*2*".

Amend sec. 7, page 5, lines 29, 36 and 42, by deleting "*4*" and inserting "*2*".

Amend sec. 8, page 6, by deleting lines 1 through 4 and inserting:

"Sec. 6. *1. Upon the request of the parent or guardian of a child, the prosecuting attorney in any trial brought against a person for a crime described in subsection 1 of section 2 of this act shall inform the parent or guardian of the final disposition of the case.*".

Amend sec. 8, page 6, line 7, by deleting "*victim*" and inserting: "*child against whom the crime was committed*".

Amend sec. 8, page 6, line 12, by deleting "*victim*" and inserting: "*parent or guardian of the child*".

Amend the bill as a whole by deleting sections 9 through 15 and the leadlines of repealed sections and adding a new section designated sec. 7, following sec. 8, to read as follows:

"Sec. 7. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justices' courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $7,500.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $7,500.

(c) Except as otherwise provided in paragraph (l) in actions for a fine, penalty or forfeiture not exceeding $7,500, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $7,500, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $7,500.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $7,500.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $7,500 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $7,500 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $7,500.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $7,500.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $7,500.

(l) In actions for a fine imposed for a violation of NRS 484.757.

(m) Except in a judicial district that includes a county whose population is 100,000 or more, in any action for the issuance of a temporary or extended order for protection against domestic violence.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action for the issuance of a temporary or extended order pursuant to section 2 of this act.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justices' courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice's court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice's court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.".

Amend the title of the bill to read as follows:

"AN ACT relating to protective orders; providing for the issuance and enforcement of temporary and extended orders against a person who is alleged to have committed a certain type of crime against a child; providing specific authorization for the parent or guardian of a child to obtain such orders on behalf of the child; providing justices' courts with jurisdiction over proceedings to obtain such temporary or extended orders; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for issuance and enforcement of temporary and extended orders against person who allegedly committed certain crimes against child. (BDR 3-956)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 354.

Bill read second time and ordered to third reading.

Assembly Bill No. 381.

Bill read second time and ordered to third reading.

Assembly Bill No. 407.

Bill read second time and ordered to third reading.

Assembly Bill No. 422.

Bill read second time and ordered to third reading.

Assembly Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 240.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

An authorized vehicle used by the Department of Transportation for the construction, maintenance or repair of highways may be equipped with tail lamps that emit nonflashing blue light which may be used:

1. For vehicles that perform construction, maintenance or repair of highways, including, without limitation, vehicles used for the removal of snow, when the vehicle is engaged in such construction, maintenance or repair; and

2. For all other authorized vehicles of the Department of Transportation used in the construction, maintenance or repair of highways:

(a) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present.".

Amend section 1, page 2, line 4, by deleting "an" and inserting: "~~[an]~~ *:*

(a) An".

Amend section 1, page 2, line 7, by deleting "employment." and inserting: "employment ~~[.]~~ *;*

(b) An employee of any other governmental entity or of a contractor performing highway construction or maintenance for the governmental entity while he is carrying out the duties of his employment; or

(c) Any other person employed by a private entity performing highway construction or maintenance while he is carrying out the duties of his employment if the person has satisfactorily completed training as a flagman approved or recognized by the Department of Transportation.".

Amend sec. 17, page 8, by deleting lines 13 through 17 and inserting:

"(a) A sign located before the beginning of such an area which states that a double penalty ~~[will]~~ *may* be imposed ~~[upon a person who is convicted of violating the speed limit within the temporary traffic control zone;]~~ *pursuant to this section;*".

Amend the title of the bill, first line, after "laws;" by inserting: "authorizing vehicles used by the Department of Transportation in the construction, maintenance or repair of highways to be equipped with tail lamps that emit nonflashing blue light under certain circumstances;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to traffic laws. (BDR 43-1098)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 468.

Bill read second time and ordered to third reading.

Assembly Bill No. 501.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 261.

Amend sec. 3, page 2, line 45, by deleting "~~[422.2936,]~~" and inserting "422.2936,".

Amend sec. 3, page 3, line 1, by deleting "*422.29324,*".

Amend sec. 4, page 3, line 27, by deleting "~~[422.2936,]~~ *422.29324,*" and inserting "422.2936,".

Amend sec. 7, page 4, line 28, by deleting "~~[422.2936,]~~ *422.29324,*" and inserting "422.2936,".

Amend the bill as a whole by deleting sec. 9 and adding:

"Sec. 9. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 11 through 14 and adding:

"Secs. 11-14. (Deleted by amendment.)".

Amend sec. 22, page 13, line 35, after "*reduced*" by inserting "*or terminated*".

Amend sec. 23, page 13, line 43, by deleting "~~[shall]~~ *may*" and inserting "shall".

Amend sec. 23, page 14, line 21, by deleting "~~[must]~~ *may*" and inserting "must".

Amend the bill as a whole by deleting sections 24 through 28 and adding:

"Secs. 24-28. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 32 and adding:

"Sec. 32. (Deleted by amendment.)".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 505.

Bill read second time and ordered to third reading.

Assembly Bill No. 521.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Gibbons moved that Assembly Bill No. 422 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 166, 250, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 233 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblyman Manendo moved that Assembly Bill No. 234 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 521 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 132, 155, 166, 250, 273, and 475 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 432.

Amend section 1, page 1, lines 3 and 4, by deleting: "*NRS 432B.457 and subsection 3,*" and inserting: "*subsections 3 and 4 and NRS 432B.457,*".

Amend section 1, page 2, line 10, after "*3.*" by inserting: "*Except as otherwise provided in subsection 4 and NRS 432B.457:*

(a) In a proceeding held pursuant to NRS 432B.470, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or master, may be admitted to the proceeding.

(b) Except for a hearing held pursuant to subsection 5 of NRS 432B.530 when the court does not proceed immediately, any proceeding held pursuant to NRS 432B.530 must be closed to the general public unless the judge or master, upon his own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or master must consider and give due weight to the desires of that child. If the judge or master determines pursuant to this paragraph that all or part of a proceeding must be open to the general public, the judge or master must make specific findings of fact to support such a determination.

4.".

Amend the title of the bill, first line, after "that" by inserting "certain".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides that certain proceedings concerning abuse or neglect of children are presumptively open to public. (BDR 38-689)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 143.

Amend section 1, page 3, by deleting lines 18 through 20 and inserting: "*fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation*".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 9 as sections 3 through 8.

Amend sec. 5, page 9, line 39, after "license" by inserting: "*as required by any statute or local ordinance*".

Amend sec. 5, page 10, by deleting lines 3 through 8 and inserting: "*subsection 1, the agency or political subdivision must:*

(a) Require the person to submit a complete set of his fingerprints; and

(b) Forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. Only the Central Repository may:

(a) Receive fingerprints from an agency of the State or any political subdivision for submission to the Federal Bureau of Investigation pursuant to this section;

(b) Submit those fingerprints to the Federal Bureau of Investigation; and

(c) Receive a report from the Federal Bureau of Investigation based on the submission of those fingerprints.".

Amend the bill as a whole by adding a new section designated sec. 9, following sec. 9, to read as follows:

"Sec. 9. NRS 463.1405 is hereby amended to read as follows:

463.1405 1. The Board shall investigate the qualifications of each applicant under this chapter before any license is issued or any registration, finding of suitability or approval of acts or transactions for which Commission approval is required or permission is granted, and shall continue to observe the conduct of all licensees and other persons having a material involvement directly or indirectly with a licensed gaming operation or registered holding company to ensure that licenses are not issued or held by, nor is there any material involvement directly or indirectly with a licensed gaming operation or registered holding company by unqualified, disqualified or unsuitable persons, or persons whose operations are conducted in an unsuitable manner or in unsuitable or prohibited places or locations.

2. *To request and receive information from the Federal Bureau of Investigation concerning an investigation of an applicant pursuant to this section, the Board must receive a complete set of fingerprints of the applicant which the Board must forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

3. The Board has full and absolute power and authority to recommend the denial of any application, the limitation, conditioning or restriction of any license, registration, finding of suitability or approval, the suspension or revocation of any license, registration, finding of suitability or approval or the imposition of a fine upon any person licensed, registered, found suitable or approved for any cause deemed reasonable by the Board.

~~[3.]~~ *4.* The Commission has full and absolute power and authority to deny any application or limit, condition, restrict, revoke or suspend any license, registration, finding of suitability or approval, or fine any person licensed, registered, found suitable or approved, for any cause deemed reasonable by the Commission.".

Amend sec. 10, page 14, by deleting lines 21 through 24 and inserting: "games, on forms approved by the Executive Director *, which the Executive Director may forward to*".

Amend sec. 11, page 15, by deleting lines 2 through 8 and inserting: "business to be operated, including ~~[the names,]~~ *:*

(a) The names and personal history ~~[and]~~ *of all officers, directors and key employees;*

(b) A complete set of the fingerprints of all officers, directors and key employees ~~[, and the]~~ *which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

(c) The names, addresses and number of shares held by all".

Amend sec. 12, pages 15 and 16, by deleting lines 43 through 45 on page 15 and lines 1 through 4 on page 16 and inserting: "business to be operated, including ~~[the names,]~~ *:*

(a) The names and personal history ~~[and]~~ *of all general partners and key employees;*

(b) A complete set of the fingerprints of all general partners and key employees ~~[, and the]~~ *which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

(c) The name, address and interest of each limited partner.".

Amend sec. 13, page 16, by deleting lines 39 through 43 and inserting: "business to be operated, including ~~[the names,]~~ *:*

(a) The names and personal history *of each director, manager, member and key employee;* and *(b) A complete set of the* fingerprints of each director, manager, member and key employee ~~[.]~~ *which the Board may forward to the Central Repository for Nevada*".

Amend sec. 14, page 18, by deleting lines 2 through 4 and inserting:

"*(a) A complete set of* his fingerprints ~~[and complete]~~ *which the Board may forward to the Central Repository for Nevada Records of*".

Amend sec. 15, page 18, line 39, by deleting: "*and written permission*".

Amend sec. 16, page 19, by deleting lines 32 and 33 and inserting: "*his fingerprints which the Commission may forward to the Central Repository*".

Amend sec. 19, page 23, by deleting lines 5 through 15 and inserting: "the society shall ~~[submit to the sheriff of the county a complete set of the fingerprints of the]~~ *require that each* member, agent or local or district officer of the society to whom the application relates ~~[.]~~ *submit to the society a complete set of his fingerprints which the society shall submit to the sheriff of the county.*".

Amend sec. 20, page 24, by deleting lines 4 through 11 and inserting: "card to *be investigated, the applicant must* submit ~~[a set of his fingerprints]~~ with his application ~~[,]~~ *a complete set of his fingerprints which* the sheriff may ~~[submit the fingerprints]~~ *forward* to the Central".

Amend sec. 21, page 24, by deleting lines 42 and 43 and inserting:

"*(3) A complete set of his fingerprints which the Commissioner may forward to the*".

Amend sec. 23, page 26, by deleting lines 7 and 8 and inserting: "*complete set of his fingerprints which the Board may forward to the Central Repository for*".

Amend sec. 24, page 26, by deleting lines 19 and 20 and inserting: "*fingerprints which the Board may forward to the Central Repository for Nevada*".

Amend sec. 25, page 26, by deleting lines 44 and 45 and inserting: "~~and]~~ *a complete set of his fingerprints which the Board may forward to the Central*".

Amend sec. 26, page 27, by deleting lines 20 and 21 and inserting: "*a complete set of his fingerprints which the Board may forward to the Central Repository for*".

Amend sec. 27, page 27, by deleting lines 31 and 32 and inserting: "*complete set of his fingerprints which the Board may forward to the Central Repository for*".

Amend sec. 28, page 27, by deleting lines 39 and 40 and inserting:

"2. *A complete set of his fingerprints which the Board may forward to the Central*".

Amend sec. 29, page 28, by deleting lines 4 through 18 and inserting: "fingerprinted. Each applicant ~~[shall,]~~ *must,* at his own expense, and on a card provided by the Division, arrange to be fingerprinted by any police or sheriff's office and ~~[shall]~~ *must* attach his fingerprint card, after his fingerprints are taken, to his application.

2. The Division may ~~[mail]~~ *forward* the applicant's fingerprint card to *:*

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation ~~[, Washington, D.C.,]~~ for its report ~~[, and to such]~~ *; and*

(b) Such other law enforcement agencies as the".

Amend sec. 30, page 28, line 44, by deleting "~~[and]~~" and inserting "and".

Amend sec. 30, page 29, by deleting lines 3 through 9 and inserting: "enforcement, are displayed.

3. The Division shall:

(a) ~~[Mail]~~ *Forward* the card upon which the applicant's".

Amend sec. 31, page 30, by deleting lines 4 and 5 and inserting:

"(4) *Includes a complete set of his fingerprints which the Division may forward to*".

Amend sec. 32, page 31, by deleting lines 15 through 23 and inserting: "arrange to be fingerprinted by an agency of law enforcement; and

(b) Attach the completed card to his application.

3. The Division may:

(a) ~~[Mail]~~ *Forward* the *completed* card to *:*

(1) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation ~~[or any]~~ *for its report; and*

(2) Any other agency of law enforcement; and".

Amend sec. 33, page 31, by deleting lines 31 through 36 and inserting: "arrange to be fingerprinted by an agency of law enforcement; and

(b) Attach the completed card to his application.".

Amend sec. 33, page 31, by deleting lines 39 through 41 and inserting:

"(b) ~~[Mail a]~~ *Forward the* completed card to *:*

(1) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation ~~[or any]~~ *for its report; and*

(2) Any other agency of law enforcement; and".

Amend sec. 34, page 32, by deleting lines 12 and 13 and inserting:

"4. A ~~[full]~~ *complete* set of fingerprints ~~[and a]~~ *which the Board may forward to*".

Amend sec. 35, pages 32 and 33, by deleting line 45 on page 32 and lines 1 through 9 on page 33 and inserting: "shall ~~[submit the fingerprints of]~~ *require* any person applying for such a work card to *submit a complete set of his fingerprints to the sheriff who may forward the fingerprints to* the Central Repository for Nevada Records of Criminal History ~~[and]~~ *for submission* to the Federal Bureau of Investigation to determine the applicant's criminal history.".

Amend sec. 36, page 33, by deleting lines 35 through 41 and inserting:

"(c) Submit ~~[three]~~ *, in such form as the Commissioner prescribes:*

(1) Three recent photographs *;* and ~~[three]~~

(2) Three complete sets of *his* fingerprints ~~[in such form as]~~ *which* the Commissioner ~~[prescribes]~~ *may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

(d) Submit such other information reasonably related to his".

Amend sec. 40, page 35, by deleting lines 29 and 30 and inserting:

"*1. A complete set of his fingerprints which the Commissioner may forward to the*".

Amend sec. 45, page 39, by deleting lines 8 and 9 and inserting:

"*(3) A complete set of his fingerprints which the Commissioner may forward to the*".

Amend sec. 46, page 40, by deleting lines 33 through 37 and inserting: "furnished by the Commissioner ~~[, and by the]~~ *; and*".

Amend sec. 46, page 40, by deleting line 39 and inserting:

"*4.* The Commissioner ~~[shall]~~ *:*

(a) May forward the complete set of fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Shall promptly cause an investigation to".

Amend sec. 47, page 41, by deleting lines 24 and 25 and inserting: "fingerprints ~~[, and must require]~~ *which the Commissioner may forward to the*".

Amend sec. 48, page 42, by deleting lines 4 and 5 and inserting: "fingerprints ~~[, which must be forwarded]~~ *which the Administrator may forward to the*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 288.

Amend section 1, page 1, by deleting lines 3 through 10 and inserting:

"*1. An agreement to transfer the right to receive payments pursuant to a structured settlement to a transferee is valid and enforceable only if approved by a district court. The transferee must petition the district court for such approval and the court shall approve the transfer if it determines that:*

(a) The transfer is in the best interest of the payee, considering the totality of the circumstances, including, without limitation, the welfare and support of the dependents of the payee;

(b) The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has received such independent professional advice or has knowingly waived such advice in writing; and

(c) The transfer does not violate any applicable law or the order of any court.".

Amend section 1, page 2, line 5, by deleting: "*person receiving payments*" and inserting "*payee*".

Amend section 1, page 2, by deleting lines 7 through 13 and inserting:

"*3. Not later than 7 days before a hearing on a petition pursuant to subsection 1, the transferee must file with the district court and serve on all interested parties and any attorney who represented the payee in the action which resulted in the settled claim a notice of the proposed agreement and the petition for authorization of the proposed agreement. The notice must include, without limitation:*

(a) A copy of the petition of the transferee;

(b) A copy of the proposed agreement;

(c) A copy of the disclosure required pursuant to subsection 4;

(d) A list which includes the name and age of each dependent of the payee;

(e) A statement that any interested party may support, oppose or otherwise respond to the petition of the transferee by appearing in person or by counsel during the hearing on the petition or by submitting written comments to the court; and

(f) Notice of the time and place of the hearing, the manner in which a written response to the application must be filed and the date by which a written response to the petition must be filed for consideration by the court.".

Amend section 1, page 2, by deleting lines 14 through 17 and inserting:

"*4. A transferee who commences an action pursuant to subsection 1 must provide to the court with the proposed agreement a disclosure setting forth:*".

Amend section 1, page 2, by deleting lines 22 through 31, and inserting:

"*(c) The amount to be paid to the payee for the transfer before deducting any expenses;*

(d) An itemized list of all expenses that the payee will be required to pay other than attorney's fees and which will be deducted from the amount paid

to the payee for the transfer, including, without limitation, any commission owed to a broker, service charges, application or processing fees, costs of closing on the agreement, filing or administrative charges and fees paid to a notary public;

(e) The amount to be paid to the payee for the transfer after deducting the expenses;

(f) The amount of any liquidated damages which the payee is required to pay if he breaches the transfer agreement;".

Amend section 1, page 2, line 32, by deleting "*(e)*" and inserting "*(g)*".

Amend section 1, page 2, by deleting lines 35 through 37, and inserting:

"*(h) A statement which informs the payee that such a transfer may subject him to adverse*".

Amend section 1, page 2, between lines 40 and 41, by inserting:

"*6. As used in this section:*

(a) "Annuity issuer" means an insurer who has issued a contract to fund periodic payments under a structured settlement.

(b) "Dependents" include, without limitation, the spouse of a payee, any minor child of a payee and any other person for whom the payee is legally obligated to provide support, including, without limitation, alimony;

(c) "Independent professional advice" means advice of an attorney, certified public accountant, actuary or other licensed professional adviser;

(d) "Interested parties" means the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the death of the payee, the annuity issuer, any person who is obligated to make payments pursuant to the structured settlement and any other party who has continuing rights or obligations under the structured settlement;

(e) "Payee" means a person who is receiving tax-free payments under a structured settlement and proposes to make a transfer of the right to receive payments under that structured settlement;

(f) "Periodic payments" includes, without limitation, both recurring payments and scheduled future lump sum payments;

(g) "Settled claim" means the original tort claim or workers' compensation claim resolved by a structured settlement.

(h) "Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim or for periodic payments in settlement of a workers' compensation claim;

(i) "Transfer" means any sale, assignment, pledge, hypothecation or other alienation or encumbrance of the right to receive payments pursuant to a structured settlement; and

(j) "Transferee" means a party acquiring or proposing to acquire the right to payments pursuant to a structured settlement through a transfer.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 10:43 a.m.

ASSEMBLY IN SESSION

At 10:47 a.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 32.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Bill No. 32:
YEAS—41.
NAYS—None.
EXCUSED—Carpenter.
Assembly Bill No. 32 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 52.
Bill read third time.
Remarks by Assemblyman Williams.
Roll call on Assembly Bill No. 52:
YEAS—41.
NAYS—None.
EXCUSED—Carpenter.
Assembly Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 69.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 69:
YEAS—41.
NAYS—None.
EXCUSED—Carpenter.
Assembly Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 79:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 79 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 92:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 28.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 28.

Assemblywoman Gibbons moved the adoption of the resolution.

Remarks by Assemblywoman Gibbons.

Assemblyman Collins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I'm very pleased today to have Rollan Melton's family here. First, I want to speak about Rollan Melton. He was well regarded worldwide as a newspaper columnist. To us, he was the Herb Caen of Reno. His column was the most loved and best read of any of the columnists of northern Nevada, being voted most popular in northern Nevada. He had a way with words. I come from a newspaper family as well, and we used to say that "ink was in your blood." He used to tell me "Always remember that when you write, you say it with flowers, you say it with mink, but only a dumb fool says it in ink." Well, Rollan Melton was no dumb fool. He wrote 4,000 columns that were all published. They are now all very proudly presented in books. His family, grandchildren, and his great-grandchildren can forever be proud of the work he did.

His resumé of accomplishments could go on and on. I most remember him from his early years when he used to sing. He actually sang at a very good friend's wedding, probably 40 years ago. Rollan was from Fallon and all the Fallon people loved him. If I were trying to describe

Rollan Melton best, and to say what he meant to the people in Reno, I would share with you another little line of his, "Words are like eggs and should be handled with care because eggs, once broken, are like words unspoken and can never ever again be repaired."

Before he died, Rollan Melton's daughter told a story of how his wife, Marilyn, had awakened and stubbed her toe in the middle of the night. It woke Rollan. He got up and said, "I love you." He then rolled over and took his last breath. That is the man we will never forget. He wrote about times and days gone by and wrote about friends who are not forgotten. Rollan Melton is one person who will live an eternity for all of us because he made a difference, writing good and kind words about people, telling about days gone by, and friends who are gone but not forgotten.

Resolution adopted unanimously.

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

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 360.

Amend section 1, page 2, by deleting lines 2 through 10 and inserting:

"1. The events of September 11, 2001, have focused the attention of our nation on the importance of preparedness in preventing, investigating and prosecuting acts of terrorism.

2. To be effective, such preparedness requires a partnership among federal, state and local governments.

3. While local law enforcement efforts and response plans to".

Amend section 1, page 2, line 14, by deleting "5." and inserting "4.".

Amend section 1, page 2, line 20, by deleting "6." and inserting "5.".

Amend section 1, page 2, between lines 27 and 28, by inserting:

"6. It is the intent of the Legislature:

(a) To strengthen the laws of the State of Nevada to better protect the health and safety of this state and its residents by providing the greatest measure of protection from acts of terrorism; and

(b) That this act be interpreted to provide the greatest measure of protection for the constitutional rights of the residents of this state, including the right to petition federal, state and local governments and to exercise rights under the First Amendment to the Constitution of the United States and Section 9 of Article 1 of the Nevada Constitution.".

Amend sec. 7, page 7, by deleting lines 34 through 44 and inserting: "*use or attempted use of sabotage, coercion or violence which is intended to:*

1. Cause great bodily harm or death to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person; or

2. Cause substantial destruction, contamination or impairment of:

(a) Any building or infrastructure, communications, transportation, utilities or services; or

(b) Any natural resource or the environment.".

Amend sec. 8, page 8, line 6, after "*deterioration*" by inserting "*or contamination*".

Amend sec. 10, page 8, by deleting line 16 and inserting: "*services or assistance of any kind.*".

Amend sec. 11, page 9, by deleting lines 3 and 4 and inserting:

"*7. An item of electronic mail, a computer, computer network or computer system, or any other similar means of communication.*".

Amend sec. 12, page 9, line 11, after "*deterioration*" by inserting "*or contamination*".

Amend sec. 13, page 9, line 15, after "*who*" by inserting "*intentionally*".

Amend sec. 15, page 9, line 21, by deleting "*knowingly:*" and inserting: "*knowingly or intentionally:*".

Amend sec. 15, page 10, by deleting lines 5 through 8.

Amend the bill as a whole by deleting sec. 16 and adding:

"Sec. 16. (Deleted by amendment.)".

Amend sec. 18, page 10, line 38, after "*deterioration*" by inserting "*or contamination*".

Amend sec. 20, page 11, line 11, after "*deterioration*" by inserting "*or contamination*".

Amend sec. 21, page 12, by deleting lines 28 through 32 and inserting:

"*5. The provisions of this section do not apply to any act that is*".

Amend sec. 22, page 13, by deleting lines 13 through 35 and inserting:

"2. A person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by".

Amend sec. 22, page 14, by deleting lines 10 through 14 and inserting:

"*3. The provisions of this section do not apply to any act that is*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 273.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 466.

Amend sec. 3, page 2, by deleting lines 7 through 10 and inserting:

"Sec. 3. *1. If the plan adopted pursuant to NRS 432B.553 for the permanent placement of a child includes a request for the appointment of a*

guardian for the child pursuant to sections 4 to 7, inclusive, of this act, a governmental agency, a nonprofit corporation or any interested person, including, without limitation, the agency that adopted the plan may".

Amend sec. 3, page 2, line 24, by deleting: "*an agency that*" and inserting: "*a governmental agency, nonprofit corporation or interested person who*"

Amend sec. 3, page 2, line 32, by deleting "*10*" and inserting "*20*".

Amend sec. 4, pages 2 and 3, by deleting lines 36 through 44 on page 2 and lines 1 through 14 on page 3, and inserting:

"*(a) The court finds:*

(1) That the proposed guardian is suitable and is not disqualified from guardianship pursuant to NRS 159.059;

(2) That the child has been in the custody of the proposed guardian for 6 months or more pursuant to a determination by a court that the child was in need of protection, unless the court waives this requirement for good cause shown;

(3) Except as otherwise provided in subsection 3, that the proposed guardian has complied with the requirements of chapter 159 of NRS; and

(4) That the burden of proof set forth in chapter 159 of NRS for the appointment of a guardian for a child has been satisfied;".

Amend sec. 4, page 3, by deleting lines 26 and 27 and inserting: "*of the child;*".

Amend sec. 4, page 3, between lines 33 and 34, by inserting:

"*3. The court may appoint as a guardian for a child pursuant to this section for not more than 6 months a person who does not satisfy the residency requirement set forth in subsection 5 of NRS 159.059 if the court determines that appointing such a person is necessary to facilitate the permanent placement of the child.*".

Amend sec. 6, page 4, by deleting lines 3 and 4 and inserting:

"*1. The custody of the child by the agency which has legal custody of the child is terminated;*".

Amend sec. 6, page 4, by deleting lines 11 and 12 and inserting:

"*(a) The agency which has legal custody of the child; and*".

Amend sec. 7, page 4, line 16, by deleting "*may*" and inserting "*shall*".

Amend sec. 7, page 4, by deleting line 22 and inserting:

"*3. The court shall issue an order directing the appropriate agency which provides child welfare services to file a*".

Amend sec. 7, page 4, line 28, after "*4.*" by inserting: "*Any motion to enforce, modify or terminate an order concerning a guardianship established pursuant to section 4 of this act must comply with the provisions set forth in chapter 159 of NRS for motions to enforce, modify or terminate orders concerning guardianships.*

5.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 298.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sec. 5 as section 1.

Amend the bill as a whole by deleting sec. 6 and renumbering sec. 7 as sec. 2.

Amend the title of the bill to read as follows:

"AN ACT relating to obligations of support for children; revising the procedure for enrolling a child in a plan of health insurance pursuant to a court order for support to comply with federal law; requiring premiums for such health insurance to be deducted from the wages of the parent; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning providing health insurance for child pursuant to court order for support. (BDR 3-1246)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblyman Brown.

Roll call on Assembly Bill No. 100:

YEAS—42.

NAYS—None.

Assembly Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Assembly Bill No. 103:

YEAS—42.

NAYS—None.

Assembly Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.
Bill read third time.
Remarks by Assemblyman Brown.
Roll call on Assembly Bill No. 117:
YEAS—41.
NAYS—Carpenter.
Assembly Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 126.
Bill read third time.
Remarks by Assemblywoman Pierce.
Roll call on Assembly Bill No. 126:
YEAS—42.
NAYS—None.
Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 138.
Bill read third time.
Remarks by Assemblymen Goldwater, Arberry, and Anderson.
Potential conflict of interest declared by Assemblyman Goldwater.
Roll call on Assembly Bill No. 138:
YEAS—37.
NAYS—Anderson, Arberry, Collins, Giunchigliani, Parks—5.
Assembly Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 143.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Bill No. 143:
YEAS—42.
NAYS—None.
Assembly Bill No. 143 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 146.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Bill No. 146:
YEAS—42.
NAYS—None.

Assembly Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Assembly Bill No. 151:

YEAS—42.

NAYS—None.

Assembly Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 160:

YEAS—42.

NAYS—None.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 163:

YEAS—42.

NAYS—None.

Assembly Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 217.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 217:

YEAS—42.

NAYS—None.

Assembly Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Assembly Bill No. 226:
YEAS—42.
NAYS—None.
Assembly Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 287.
Bill read third time.
Remarks by Assemblyman Mortenson.
Roll call on Assembly Bill No. 287:
YEAS—42.
NAYS—None.
Assembly Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 292.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 292:
YEAS—40.
NAYS—Grady, Griffin—2.
Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 294.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 294:
YEAS—42.
NAYS—None.
Assembly Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 299.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Assembly Bill No. 299:
YEAS—42.
NAYS—None.
Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 319.
Bill read third time.

Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 319:
YEAS—42.
NAYS—None.
Assembly Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 335.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Assembly Bill No. 335:
YEAS—42.
NAYS—None.
Assembly Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 397.
Bill read third time.
Remarks by Assemblyman Horne.
Roll call on Assembly Bill No. 397:
YEAS—42.
NAYS—None.
Assembly Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 437.
Bill read third time.
Remarks by Assemblymen Christensen and Buckley.
Roll call on Assembly Bill No. 437:
YEAS—42.
NAYS—None.
Assembly Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 448.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 448:
YEAS—37.
NAYS—Brown, Christensen, Giunchigliani, Gustavson, Knecht—5.
Assembly Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 459.
Bill read third time.
Remarks by Assemblywoman Weber.
Roll call on Assembly Bill No. 459:
YEAS—42.
NAYS—None.
Assembly Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 509.
Bill read third time.
Remarks by Assemblyman Williams.
Roll call on Assembly Bill No. 509:
YEAS—42.
NAYS—None.
Assembly Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 531.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 531:
YEAS—42.
NAYS—None.
Assembly Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 5.
Resolution read third time.
Remarks by Assemblyman Mortenson.
Roll call on Senate Joint Resolution No. 5:
YEAS—42.
NAYS—None.
Senate Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Bill No. 233.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 233:
YEAS—42.
NAYS—None.

Assembly Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 2, 230, 288, 451, 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Collins moved that Assembly Bill No. 486 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 345 be re-referred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Cole Christensen.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Melton, Patricia Rose, Ronald Rose, Madeline Williams, Marjorie Williams, Emelie Williams, Royle Melton, Mona Melton, Noah Melton, James Meservy, Michael Forest-Meservy, Bob Cashell, Nancy Cashell, Kevin Melton, Candith Melton, Breann Melton, and Jaime Melton.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Stacey Breneman, Heather Bake, Michelle Bake, Emily Boyd, Nicole Hendrix, Melinda Hunter, Corinne Johnson, Danielle Lougheed, Rita McKnight, Amanda Miller, Ryan Paul, Ashley Smith, Carrie Zielinski, Leslie Paul, and Kelly Frost.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Graham Griffin and Monet Griffin.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Shari Pheasant, Gregory Pheasant, and Shyla Marie Pheasant.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Harrison Griffin.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Anderlohr.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, April 15, 2003, at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:32 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 15, 2003

Assembly called to order at 10:58 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor John Jackson.

Heavenly Father, we thank You for Your presence here today, and thank You for these gifted women and men who have dedicated this time to deliberate matters of importance to our state. God, we would ask that You give an extra measure of strength to the staff who support our work here today. We believe in the hope of new life because of the Resurrection and ask that You give us a spirit of hope in all we do today. We ask these things in Jesus Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 515, 530, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 53, Amendment No. 83, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 93, 363, 365, 412, 422, 423, 435, 439, 459, 478, 481; Senate Joint Resolution No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 99, 176, 179, 192, 206, 262, 280, 299, 309, 322, 355, 479.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 14, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 481.

MARK STEVENS
Fiscal Analysis Division

April 15, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 219.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 240.

Mark Stevens
Fiscal Analysis Division

Senate Joint Resolution No. 7.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 3, 23, 84, 293, 301, 365, 388, 515, and 530 be placed on the Second Reading File.

Motion carried.

Assemblyman Oceguera moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

Senate Bill No. 93.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 99.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 176.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 179.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 192.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 206.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 262.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 280.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 299.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 309.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 322.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 355.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 363.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 365.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 412.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 422.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 423.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 435.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 439.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 459.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 478.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 479.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 481.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

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

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 539, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the action whereby Senate Bill No. 309 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 309 be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 56, 349, and 539 be placed on the Second Reading File.

Motion carried.

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

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Giunchigliani moved that Assembly Bill No. 354 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Koivisto moved that Assembly Bill No. 381 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 166 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Oceguera.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 2.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 251.

Amend section 1, pages 1 and 2, by deleting lines 4 through 17 on page 1 and lines 1 through 4 on page 2, and inserting: "invention or trade secret developed by his employee during the course of the employment that relates directly to work performed during the course of the employment ~~[.]~~ *if the employee is expressly:*

1. Hired to invent; or

2. Directed to invent and the invention or trade secret is developed pursuant to that direction.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 252.

Amend section 1, page 1, line 3, before "*The*" by inserting "*1.*".

Amend section 1, page 1, between lines 10 and 11, by inserting:

"*2. The provisions of this section do not apply to a corporate cooperative park.*

3. As used in this section, "corporate cooperative park" has the meaning ascribed to it in NRS 118B.0117.".

Amend the title of the bill, second line, before "parks" by inserting "certain".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 288.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 253.

Amend sec. 11, page 4, line 38, by deleting "*shall*" and inserting "*may*".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 433.

Bill read second time and ordered to third reading.

Assembly Bill No. 451.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 431.

Amend section 1, page 2, line 26, by deleting "*1*" and inserting: "*1, other than a person to whom sub-subparagraph (II) of subparagraph (1) of paragraph (a) of subsection 1 applies,*".

Amend section 1, page 2, line 45, after "*chloride;*" by inserting "*or*".

Amend section 1, page 3, by deleting lines 4 through 9 and inserting: "*vinyl chloride,*".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 497.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 258.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 446 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Potentially hazardous food" has the meaning ascribed to it in subpart 1-201 of the 1999 edition of the Food Code published by the Food and Drug Administration of the United States Department of Health and Human Services, unless the Administrator of the Health Division of the Department of Human Resources has adopted a later edition of the Food Code for this purpose.*

Sec. 3. *1. Any regulation adopted by the State Board of Health or a local board of health pursuant to NRS 446.940 that establishes a standard for the construction of a food establishment or the equipment required to be present in a food establishment shall not apply to any child care facility that limits its menu to:*

(a) Food that does not constitute a potential or actual hazard to the public health; and

(b) Potentially hazardous food that has been:

(1) Commercially prepared and precooked; or

(2) Pasteurized.

2. As used in this section, "child care facility" includes:

(a) A child care facility licensed pursuant to chapter 432A of NRS; or

(b) A child care facility licensed by a city or county.

Sec. 4. NRS 446.030 is hereby amended to read as follows:

446.030 1. "Food handler" means any person employed in or operating a food establishment, whether that person is an employer, employee or other natural person, who handles, stores, transports, prepares, manufactures, serves or sells food, or who comes in contact with eating or cooking utensils

or other equipment used in the handling, preparation, manufacture, service or sale of food.

2. The term does not include a person who only handles, stores, transports, sells or otherwise comes in contact with food that is permanently sealed or packaged for sale directly to the consumer and who, if the food is potentially hazardous food, handles the food only occasionally or incidentally outside the normal and usual course and scope of his responsibilities or employment.

~~[3. As used in this section, "potentially hazardous food" has the meaning ascribed to it in subpart 1-201 of the 1999 edition of the *Food Code* published by the Food and Drug Administration of the United States Department of Health and Human Services, unless the Administrator of the Health Division of the Department of Human Resources has adopted a later edition of the *Food Code* for this purpose.]~~".

Amend the title of the bill, second line, by deleting "regulation as" and inserting: "certain regulations applicable to".

Amend the summary of the bill to read as follows:

"SUMMARY—Exempts licensed child care facility from certain regulations applicable to food establishment. (BDR 40-1199)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 3.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 24.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting:

"*1. Except as otherwise provided in this section, a public officer or employee of the State or an agency of the State must be relieved from his duties to donate:*

(a) Part of his bone marrow; or

(b) All or part of one of his organs.

2. Except as otherwise provided in this subsection, a political subdivision of the State or an agency of a political subdivision of the State may, at its discretion, establish a program to grant to its public officers and employees the leave described in subsection 1. If a political subdivision of the State or an agency of a political subdivision of the State establishes such a program, the program must provide that the leave described in subsection 1 is available to all the public officers and employees of the political subdivision or agency who otherwise comply with the provisions of this section.

3. Any leave that is required to be granted pursuant to subsection 1 or is granted pursuant to a program established in accordance with subsection 2 must be granted to a".

Amend section 1, page 2, by deleting lines 1 and 2 and inserting:

"*4. Except as otherwise provided in subsection 6, the paid leave described in subsection 3 must not be*".

Amend section 1, page 2, by deleting lines 5 through 20 and inserting:

"*5. To be eligible for the paid leave described in subsection 3, a public officer or employee must provide to his employer a written, signed statement from a physician or from the administrator of a hospital, attesting to the fact that the public officer or employee has donated bone marrow or all or part of one of his organs, or is scheduled to make such a donation.*".

Amend section 1, page 2, line 21, by deleting "*5.*" and inserting "*6.*".

Amend section 1, page 2, by deleting lines 28 through 30 and inserting:

"*7. A political subdivision of the State or an agency of a political subdivision of the State that has established a program pursuant to subsection 2 may create a pool of leave to be used by its public officers and employees who donate bone marrow or all or part of one of their organs and have exhausted the paid leave described in subsection 3. Such a pool of leave may include the following types of time that are transferred to the pool by other public officers and employees of the political subdivision or agency of the political subdivision:*

(a) Annual vacation time;

(b) Compensatory time; and

(c) Sick leave time.

8. No part of this section prohibits an employer, after a public officer or employee has exhausted the paid leave described in subsection 3, from allowing the public officer or".

Amend section 1, page 2, by deleting lines 34 and 35 and inserting: "*time;*

(c) If the public officer or employee is employed by a political subdivision of the State or an agency of a political subdivision of the State, use leave from a pool of leave that has been created pursuant to subsection 7;

(d) If the public officer or employee is employed by the State or an agency of the State, use catastrophic leave as authorized pursuant to NRS 284.362 to 284.3629, inclusive, and sections 3 to 6, inclusive, of this act; or

(e) As applicable, take or use any of the types of leave or time that are described in paragraphs (a) to (d), inclusive,".

Amend section 1, page 2, line 40, by deleting "*7.*" and inserting "*9.*".

Amend section 1, page 3, line 2, by deleting "*8.*" and inserting "*10.*".

Amend the bill as a whole by adding new sections designated sections 2 through 8, following section 1, to read as follows:

"Sec. 2. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. *"Bone marrow" has the meaning ascribed to it in section 1 of this act.*

Sec. 4. *"Catastrophe" means:*

1. The employee is unable to perform the duties of his position because of a serious illness or accident which is life threatening or which will require a lengthy convalescence;

2. There is a serious illness or accident which is life threatening or which will require a lengthy convalescence in the employee's immediate family;

3. There is a death in the employee's immediate family;

4. The employee is unable to perform the duties of his position because he is:

(a) Donating part of his bone marrow or all or part of one of his organs; or

(b) Recuperating from the donation described in paragraph (a); or

5. Any other serious calamity defined to be a catastrophe by regulation of the Commission.

Sec. 5. *"Committee" means the Committee on Catastrophic Leave created pursuant to NRS 284.3627.*

Sec. 6. *"Organ" has the meaning ascribed to it in section 1 of this act.*

Sec. 7. NRS 284.362 is hereby amended to read as follows:

284.362 ~~[1.]~~ As used in NRS 284.362 to 284.3629, inclusive ~~[:~~

~~(a) "Catastrophe" means:~~

~~(1) The employee is unable to perform the duties of his position because of a serious illness or accident which is life threatening or which will require a lengthy convalescence;~~

~~(2) There is a serious illness or accident which is life threatening or which will require a lengthy convalescence in the employee's immediate family; or~~

~~(3) There is a death in the employee's immediate family.~~

~~(b) "Committee" means the Committee on Catastrophic Leave created pursuant to NRS 284.3627.~~

~~2. The Commission shall adopt regulations further defining "catastrophe" to ensure that the term is limited to serious calamities.]~~, *and sections 3 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 8. NRS 284.3621 is hereby amended to read as follows:

284.3621 1. Each appointing authority may establish an account for catastrophic leave.

2. An employee of an appointing authority may request, in writing, that a specified number of hours of his accrued annual or sick leave be transferred from his account to the account for catastrophic leave. *In addition to such hours, an employee of an appointing authority may request, in writing, that a specified number of hours of his accrued annual, sick or compensatory leave be transferred from his account to the account for catastrophic leave for the*

specific use of persons who donate bone marrow or all or part of one of their organs.

3. An employee may not transfer to the account for catastrophic leave any hours of sick leave if the balance in his account after the transfer is less than 240 hours.

4. The maximum number of hours which may be transferred by an employee in any 1 calendar year is 120. The minimum number of hours which may be transferred in any 1 calendar year is 8.

5. An employee may transfer hours to any such account for catastrophic leave for use by a particular employee in any branch of State Government who is eligible to receive them. A record of the source and number of hours of leave transferred among different appointing authorities for this purpose and the date of the transfer must be maintained by each appointing authority. Leave transferred in excess of the amount approved for use by a particular employee must be returned to the employee's account from which it originated. The Commission shall, by regulation, determine the procedure to return excess leave.

6. Any hours of annual *,* ~~[or]~~ sick *or compensatory* leave which are transferred from any employee's account to the account for catastrophic leave and not designated for use by a particular employee may not be returned or restored to the originating employee. This subsection does not prevent the employee from receiving leave pursuant to NRS 284.3622.".

Amend the title of the bill to read as follows:

"AN ACT relating to public employees; establishing a program of paid leave of absence of certain duration for state officers and employees who donate bone marrow or certain organs; authorizing the establishment of such a program by political subdivisions of the State; authorizing such political subdivisions to create a separate pool of leave for use by their public officers and employees who donate bone marrow or certain organs; authorizing the use of catastrophic leave by state officers and employees who donate bone marrow or certain organs; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for paid leave of absence of certain duration for certain public officers and employees who donate bone marrow or certain organs. (BDR 23-147)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 23.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 338.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. NRS 245.043 is hereby amended to read as follows:

245.043 1. As used in this section:

(a) "County" includes Carson City.

(b) "County commissioner" includes the Mayor and supervisors of Carson City.

2. Except as otherwise provided by any special law, the elected officers of the counties of this state are entitled to receive annual salaries in the base amounts specified in the following table. The annual salaries are in full payment for all services required by law to be performed by such officers. Except as otherwise provided by law, all fees and commissions collected by such officers in the performance of their duties must be paid into the county treasury each month without deduction of any nature.

ANNUAL SALARIES

Class	County	County Commissioner	District Attorney	Sheriff	County Clerk	County Assessor	County Recorder	County Treasurer	Public Administrator
1	Clark	$54,000	~~[$100,800]~~ *$128,272*	~~[$84,000]~~ *$109,131*	$72,000	$72,000	$72,000	$72,000	$72,000
2	Washoe	39,600	~~[96,000]~~ *116,742*	~~[78,000]~~ *94,316*	66,000	66,000	66,000	66,000	66,000
3	Carson City	18,000	~~[72,360]~~ *85,534*	~~[60,000]~~ *70,923*	51,360	51,360	--------	51,360	--------
	Churchill	18,000	~~[72,360]~~ *85,534*	~~[60,000]~~ *70,923*	51,360	51,360	51,360	--------	--------
	Douglas	18,000	~~[72,360]~~ *85,534*	~~[60,000]~~ *70,923*	51,360	51,360	51,360	--------	--------
	Elko	18,000	~~[72,360]~~ *85,534*	~~[60,000]~~ *70,923*	51,360	51,360	51,360	51,360	--------
	Humboldt	*18,000*	*83,524*	*67,923*	*42,840*	*42,840*	*42,840*	*42,840*	--------
	Lyon	18,000	~~[72,360]~~ *85,534*	~~[60,000]~~ *70,923*	51,360	51,360	51,360	--------	--------
	Nye	18,000 ~~[72,360]~~	~~[60,000]~~ *85,534*		51,360 *70,923*	51,360	51,360	51,360	--------
~~[4~~ *4*	~~Humboldt~~	~~18,000~~	~~68,340~~	~~54,000~~	~~42,840~~	~~42,840~~	~~42,840~~	~~42,840~~	~~--------]~~
	Lander	18,000	~~[68,340]~~ *80,782*	~~[54,000]~~ *63,831*	42,840	42,840	42,840	42,840	--------
	White Pine	18,000	~~[68,340]~~ *80,782*	~~[54,000]~~ *63,831*	42,840	42,840	42,840	42,840	--------
5	Eureka	15,240 ~~[60,300]~~	~~[43,200]~~ *71,278*		38,400 *51,065*	38,400	38,400	--------	--------
	Lincoln	15,240 ~~[60,300]~~	~~[43,200]~~ *71,278*		38,400 *51,065*	38,400	38,400	38,400	--------
	Mineral	15,240 ~~[60,300]~~	~~[43,200]~~ *71,278*		38,400 *51,065*	38,400	38,400	--------	--------
	Pershing	15,240 ~~[60,300]~~	~~[43,200]~~ *71,278*		38,400 *51,065*	38,400	38,400	--------	--------
	Storey	*15,240*	*65,068*	*51,065*	*38,400*	*38,400*	*38,400*	--------	--------
6	Esmeralda	12,000	~~[47,880]~~ *56,597*	~~[38,400]~~ *45,391*	33,600	33,600	33,600	--------	--------
	~~[Storey~~	~~15,240~~	~~47,880~~	~~43,200~~	~~38,400~~	~~38,400~~	~~38,400~~	~~--------~~	~~--------]~~

Sec. 2. NRS 245.043 is hereby amended to read as follows:

245.043 1. As used in this section:

(a) "County" includes Carson City.

(b) "County commissioner" includes the Mayor and supervisors of Carson City.

2. Except as otherwise provided by any special law, the elected officers of the counties of this state are entitled to receive annual salaries in the base amounts specified in the following table. The annual salaries are in full

payment for all services required by law to be performed by such officers. Except as otherwise provided by law, all fees and commissions collected by such officers in the performance of their duties must be paid into the county treasury each month without deduction of any nature.

ANNUAL SALARIES

Class	County	County Commissioner	District Attorney	Sheriff	County Clerk	County Assessor	County Recorder	County Treasurer	Public Administrator
1	Clark	$54,000	~~[$128,272]~~ *$155,744*	~~[$109,131]~~ *$134,262*	$72,000	$72,000	$72,000	$72,000	$72,000
2	Washoe	39,600	~~[116,742]~~ *137,484*	~~[94,316]~~ *110,632*	66,000	66,000	66,000	66,000	66,000
3	Carson City	18,000	~~[85,534]~~ *98,707*	~~[70,923]~~ *81,846*	51,360	51,360	--------	51,360	--------
	Churchill	18,000	~~[85,534]~~ *98,707*	~~[70,923]~~ *81,846*	51,360	51,360	51,360	--------	--------
	Douglas	18,000	~~[85,534]~~ ~~[70,923]~~ *98,707*	51,360 *81,846*	51,360	51,360	--------	--------	
	Elko	18,000	~~[85,534]~~ ~~[70,923]~~ *98,707*	51,360 *81,846*	51,360	51,360	51,360	--------	
	Humboldt	*18,000*	*~~[83,524]~~* *98,707*	*~~[67,923]~~* *81,846*	*42,840*	*42,840*	*42,840*	*42,840*	--------
	Lyon	18,000	~~[85,534]~~ ~~[70,923]~~ *98,707*	51,360 *81,846*	51,360	51,360	--------	--------	
	Nye	18,000	~~[85,534]~~	~~[70,923]~~ *98,707*	51,360 *81,846*	51,360	51,360	51,360	--------
4	Lander	18,000	~~[80,782]~~ ~~[63,831]~~ *93,223*	42,840 *73,662*	42,840	42,840	42,840	--------	
	White Pine	18,000	~~[80,782]~~ *93,223*	~~[63,831]~~ *73,662*	42,840	42,840	42,840	42,840	--------
5	Eureka	15,240	~~[71,278]~~ ~~[51,065]~~ *82,256*	38,400 *58,929*	38,400	38,400	--------	--------	
	Lincoln	15,240	~~[71,278]~~ ~~[51,065]~~ *82,256*	38,400 *58,929*	38,400	38,400	38,400	--------	
	Mineral	15,240	~~[71,278]~~ ~~[51,065]~~ *82,256*	38,400 *58,929*	38,400	38,400	--------	--------	
	Pershing	15,240	~~[71,278]~~ ~~[51,065]~~ *82,256*	38,400 *58,929*	38,400	38,400	--------	--------	
	Storey	*15,240*	*~~[65,068]~~* *~~[51,065]~~* *82,256*	*38,400* *58,929*	*38,400*	*38,400*	--------	--------	
6	Esmeralda	12,000	~~[56,597]~~ *65,314*	~~[45,391]~~ *52,382*	33,600	33,600	33,600	--------	--------

Sec. 3. Except as otherwise provided in section 4 of this act, each county shall:

1. Commence payment of the increased annual salaries of the elected officers of the county set forth in the table of annual salaries contained in NRS 245.043, as amended by section 1 of this act, on July 1, 2003.

2. Commence payment of the increased annual salaries of the elected officers of the county set forth in the table of annual salaries contained in NRS 245.043, as amended by section 2 of this act, on July 1, 2004.

Sec. 4. 1. Except as otherwise provided in subsection 3, a board of county commissioners may apply to the Committee on Local Government Finance for a waiver from:

(a) The requirement to increase the annual salaries of elected officers of the county to the annual salaries set forth in the table contained in NRS 245.043, as amended by section 1 of this act, if the board determines that the financial resources of the county are insufficient to pay those increased annual salaries in Fiscal Year 2003-2004.

(b) The requirement to increase the annual salaries of elected officers of the county to the annual salaries set forth in the table contained in NRS 245.043, as amended by section 2 of this act, if the board determines that the financial resources of the county are insufficient to pay those increased annual salaries in Fiscal Year 2004-2005.

The Committee on Local Government Finance shall grant such a waiver if it finds that the financial resources of the county are insufficient to pay those increased annual salaries in the applicable fiscal year.

2. A board of county commissioners that has been granted a waiver for a fiscal year may apply to the Committee on Local Government Finance for an additional waiver for the next consecutive fiscal year if it finds that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in NRS 245.043, as amended by section 1 or 2 of this act. There is no limitation on the number of waivers for consecutive fiscal years that the board of county commissioners may be granted if the board of county commissioners finds that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in NRS 245.043, as amended by section 1 or 2 of this act, in that fiscal year.

3. Except as otherwise provided in this subsection, after commencing payment of the increased annual salaries of the elected officers of the county set forth in the table contained in NRS 245.043, as amended by section 1 or 2 of this act, a board of county commissioners may not apply for a waiver in any subsequent fiscal year. The fact that a board of county commissioners has, in Fiscal Year 2003-2004, paid the annual salaries set forth in the table contained in NRS 245.043 as amended by section 1 of this act, does not preclude the board of county commissioners from applying for and being granted a waiver from paying the annual salaries set forth in the table contained in NRS 245.043 as amended by section 2 of this act in Fiscal Year 2004-2005 or in any consecutive year if the Committee on Local Government Finance determines that the financial resources of the county are insufficient to pay the increased annual salaries of the elected officers of the county.

4. The increased annual salaries of the elected officers of the county set forth in the table contained in NRS 245.043, as amended by section 1 or 2 of this act, must not be paid retroactively for a period to which a waiver is applicable.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. 1. This section and sections 1, 3, 4 and 5 of this act become effective on July 1, 2003.

2. Section 1 of this act expires by limitation on June 30, 2004.

3. Section 2 of this act becomes effective on July 1, 2004.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public officers; increasing the compensation of district attorneys and sheriffs; authorizing a county to request and receive a waiver from the increases in compensation in the event of insufficient financial resources; providing that a waiver may not be applied for in certain circumstances; and providing other matters properly relating thereto.”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 340.

Amend section 1, page 2, by deleting lines 7 through 17 and inserting:

"(b) A term of 4 years for members of the town advisory board, which must be staggered and must expire on the first Monday in January of an odd-numbered year. ~~[No person who has served for a term as a member of a town advisory board is eligible for reappointment until 2 years after the expiration of his term.]~~".

Amend section 1, page 2, line 18, after "(c)" by inserting: "*Election of a chairman from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the chairmanship, for the election of a chairman from among the members for the remainder of the unexpired term. The ordinance must also provide that a chairman is not eligible to succeed himself for a term of office as chairman.*

(d)".

Amend section 1, page 2, line 23, after "notice of" by inserting: "*the expiration of the term of a member of and*".

Amend section 1, page 2, line 26, after "before" by inserting: "*the expiration of the term or*".

Amend sec. 2, page 2, by deleting line 36 and inserting:

"Sec. 2. 1. For the purposes of paragraph (c) of subsection 1 of NRS 269.576, as amended by section 1 of this act, any person who is serving in the capacity of a chairman on a town advisory board on October 1, 2003, is not eligible to serve a consecutive term of office as chairman.

2. If the provisions of an ordinance adopted before".

Amend the title of the bill to read as follows:

"AN ACT relating to county government; removing the prohibition on consecutive terms of office of members of a town advisory board in certain counties; providing for the election of a chairman of such a board; prohibiting consecutive terms of office for a person who serves as chairman of such a board; revising the requirements regarding the notice of a vacancy on such a board; requiring the provision of notice of the expiration of the term of a member of such a board; and providing other matters properly relating thereto.".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 184.

Amend section 1, page 1, lines 7 and 8, by deleting: "*political subdivision, public or quasi-public corporation, or other local agency*" and inserting: "*school district, public library or water district*".

Amend section 1, page 2, line 2, by deleting "4," and inserting "~~[4,]~~ *5,*".

Amend section 1, page 2, line 9, by deleting "4," and inserting "~~[4,]~~ *5,*".

Amend section 1, page 2, line 23, after "4." by inserting: *"The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:*

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the board appoints a committee pursuant to this".

Amend section 1, page 2, line 33, by deleting "5." and inserting "~~[5.]~~ *6.*".

Amend section 1, page 2, line 36, by deleting "6." and inserting "~~[6.]~~ *7.*".

Amend section 1, page 3, line 5, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend section 1, page 3, line 6, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend section 1, page 3, line 13, by deleting "8." and inserting "~~[8.]~~ *9.*".

Amend section 1, page 3, line 30, by deleting "9." and inserting "~~[9.]~~ *10.*".

Amend section 1, page 3, line 33, by deleting "8." and inserting "~~[8.]~~ *9.*".

Amend section 1, page 3, line 37, by deleting "10." and inserting "~~[10.]~~ *11.*".

Amend section 1, page 3, line 41, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend section 1, page 3, line 42, by deleting "*11.*" and inserting "*12.*".

Amend sec. 2, page 4, lines 12 and 13, by deleting: "*political subdivision, public or quasi-public corporation, or other local agency*" and inserting: "*public library or water district*".

Amend sec. 2, page 4, line 17, by deleting "4," and inserting "~~[4,]~~ *5,*".

Amend sec. 2, page 4, line 24, by deleting "4," and inserting "~~[4,]~~ *5,*".

Amend sec. 2, page 4, line 38, after "4." by inserting: *"The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the*

voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the board appoints a committee pursuant to this".

Amend sec. 2, page 5, line 4, by deleting "5." and inserting "~~[5.]~~ *6.*".

Amend sec. 2, page 5, line 7, by deleting "6." and inserting "~~[6.]~~ *7.*".

Amend sec. 2, page 5, line 21, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend sec. 2, page 5, line 22, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend sec. 2, page 5, line 28, by deleting "8." and inserting "~~[8.]~~ *9.*".

Amend sec. 2, page 5, line 44, by deleting "9." and inserting "~~[9.]~~ *10.*".

Amend sec. 2, page 6, line 2, by deleting "8." and inserting "~~[8.]~~ *9.*".

Amend sec. 2, page 6, line 6, by deleting "10." and inserting "~~[10.]~~ *11.*".

Amend sec 2, page 6, line 10, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend sec 2, page 6, line 11, by deleting "*11.*" and inserting "*12.*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 314.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 3, line 26, by deleting "*if*" and inserting "*where*".

Amend sec. 2, page 3, by deleting lines 32 through 42 and inserting:

"(a) Requirements for the eligibility of those persons claiming damage to private property *,* ~~[or]~~ privately maintained improvements *, fences on public lands or areas near sources of water on public lands* to receive money or materials from the Division, including ~~[a]~~ *:*

(1) A requirement that such a person enter into a cooperative agreement with the Administrator for purposes related to this title ~~[.]~~ *; and*

(2) A requirement that if the claim is for money or materials from the Division for the construction of a fence around a source of water on private land or public land, such a person must:

(I) Conduct a physical inspection of the private land or public land upon which the fence is proposed to be constructed to determine the most effective manner in which to protect the source of water and to determine the most effective manner in which to provide access to a source of water for

livestock and wildlife that is located outside the fence and within a reasonable distance from the fence;

(II) Conduct the inspection described in sub-subparagraph (I) in consultation with the persons or entities which will be directly affected by the construction of the fence, including, without limitation, an owner of the private land on which the fence is proposed to be constructed, a governmental entity that manages the public land on which the fence is proposed to be constructed, a holder of a permit to graze livestock on the public land, if applicable, and a person who holds a water right which will be directly affected by the construction of the fence; and

(III) Enter into a cooperative agreement with the persons and entities described in sub-subparagraph (II) for purposes related to the construction of the fence in accordance with the results of the inspection conducted pursuant to this subparagraph.".

Amend sec. 2, page 4, line 1, by deleting "*(c)*".

Amend sec. 2, page 4, lines 3 and 4, by deleting: "*or state grazing board*".

Amend sec. 2, page 4, line 6, by deleting "~~[(c)]~~ *(d)*" and inserting "(c)".

Amend sec. 2, page 4, line 9, by deleting "~~[(d)]~~ *(e)*" and inserting "(d)".

Amend sec. 2, page 4, by deleting lines 18 and 19 and inserting: "*public lands if:*

(I) Elk or game mammals not native to this state have caused damage to the area near such sources of water; and

(II) A source of water for livestock and wildlife is available outside such a fence and within a reasonable distance from such a fence or will be made available at such a location.".

Amend sec. 2, page 4, lines 29 and 30 by deleting: "*section:*

(a) "Public" and inserting: "*section, "public*".

Amend sec. 2, page 4, line 32, by deleting "*(1)*" and inserting "*(a)*".

Amend sec. 2, page 4, line 33, by deleting "*(2)*" and inserting "*(b)*".

Amend sec. 2, page 4, line 36, by deleting "*(3)*" and inserting "*(c)*".

Amend sec. 2, page 4, line 40, by deleting "*(4)*" and inserting "*(d)*".

Amend sec. 2, page 4, line 42, by deleting "*(5)*" and inserting "*(e)*".

Amend sec. 2, page 5, by deleting lines 1 through 3.

Amend the bill as a whole by deleting sections 3 through 6.

Amend the title of the bill to read as follows:

"AN ACT relating to wildlife; providing for the payment of money or materials to prevent or mitigate damages caused by certain animals to fences on private and public lands and to construct fences around certain areas of those lands under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions concerning compensation from Board of Wildlife Commissioners for damage to certain property or land caused by certain animals. (BDR 45-883)".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 171.

Amend section 1, page 1, by deleting "47," and inserting "47.5,".

Amend sec. 5, page 2, by deleting lines 25 through 29 and inserting:

"*2. In lieu of an appraisal, the guardian may file:*

(a) A verified record of value of an asset where the value of the asset can be determined with reasonable certainty, including, without limitation:

(1) Money, deposits in banks, bonds, policies of life insurance or securities for money, when equal in value to cash; and

(2) Personal property, including, without limitation, household goods, if the combined value of the personal property does not exceed $5,000.

(b) A statement of the assessed value of real property as determined by the county assessor for tax purposes, except that if the real property is to be sold, the guardian must file an appraisal.".

Amend sec. 6, page 3, line 2, by deleting "*sells*" and inserting "*purchases*".

Amend sec. 8, page 3, lines 28 and 31, by deleting "*2*" and inserting "*1*".

Amend sec. 10, page 4, by deleting lines 26 and 27 and inserting: "*money from the sale may be paid as ordered by the court and the mortgage or*".

Amend sec. 16, page 6, line 9, after "*published*" by inserting: "*not less than*".

Amend sec. 23, page 9, by deleting line 24 and inserting: "*insufficient to cover the bid and*".

Amend sec. 47, page 16, line 15, after "*its*" by inserting "*notice of*".

Amend the bill as a whole by adding a new section designated sec. 47.5, following sec. 47, to read as follows:

"*1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:*

(a) Make or change the last will and testament of the ward.

(b) Make or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary.

(c) Create for the benefit of the ward or others a revocable or irrevocable trust of the property of the estate.

(d) Except as otherwise provided in this paragraph, exercise the right of the ward to revoke or modify a revocable trust or to surrender the right to revoke or modify a revocable trust. The court shall not authorize or require the guardian to exercise the right to revoke or modify a revocable trust if the instrument governing the trust:

(1) Evidences an intent of the ward to reserve the right of revocation or modification exclusively to the ward;

(2) Provides expressly that a guardian may not revoke or modify the trust; or

(3) Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.

2. The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the guardian proves by clear and convincing evidence that:

(a) A person has committed or is about to commit any act, practice or course of conduct which operates or would operate as a fraud or act of exploitation upon the ward or estate of the ward and that person:

(1) Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the ward; or

(2) Will benefit from the lack of such an instrument; and

(b) A reasonably prudent person or the ward, if competent, would take the proposed action.

3. The petition must be signed by the guardian and contain:

(a) The name, date of birth and current address of the ward;

(b) A concise statement as to the condition of the ward's estate; and

(c) A concise statement as to the necessity for the proposed action.

4. As used in this section:

(a) "Exploitation" means any act taken by a person who has the trust and confidence of a ward or any use of the power of attorney of a ward to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

(2) Convert money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of his money, assets or property.

As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.

(b) "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the ward of the ward's rights or property or to otherwise injure the ward.".

Amend sec. 49, page 16, line 42, by deleting "*an*" and inserting "*a mentally*".

Amend the bill as a whole by adding a new section designated sec. 52.5, following sec. 52, to read as follows:

"Sec. 52.5. NRS 159.026 is hereby amended to read as follows:

159.026 "Special guardian" means a guardian of a person of limited capacity [.] *, including, without limitation, such a guardian who is appointed*

because a person of limited capacity has voluntarily petitioned for the appointment and the court has determined that the person has the requisite capacity to make such a petition.".

Amend sec. 54, page 17, by deleting line 38 and inserting:

"*6. Guardians ad litem.*".

Amend sec. 57, pages 18 and 19, by deleting lines 24 through 44 on page 18 and lines 1 through 14 on page 19 and inserting:

"2. ~~[The]~~ *To the extent the petitioner knows or reasonably may ascertain or obtain, the* petition must ~~[state:]~~ *include, without limitation:*

(a) The name and address of the petitioner.

(b) The name, ~~[age]~~ *date of birth* and *current* address of the proposed ward. ~~[If he]~~

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 60 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, ~~[the petition must state]~~ the date on which he will attain the age of majority and ~~[whether he]~~

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

~~[(c)]~~ *(e)* Whether the proposed ward is a resident or nonresident of this state.

~~[(d)]~~ *(f)* The names and addresses ~~[, so far as they are known to the petitioner,]~~ of the *spouse of the proposed ward and the* relatives of the proposed ward *who are* within the second degree ~~[.~~

~~(e)]~~ *of consanguinity.*

(g) The name *, date of birth* and *current* address of the proposed guardian.

~~[(f) That]~~

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

(i) Whether the proposed guardian has ~~[never]~~ *ever* been".

Amend sec. 57, page 19, line 19, by deleting "*(h)*" and inserting "*(j)*".

Amend sec. 57, page 19, line 29, by deleting "*(i)*" and inserting "*(k)*".

Amend sec. 57, page 19, line 31, by deleting "*(j)*" and inserting "*(l)*".

Amend sec. 57, page 19, line 38, by deleting "*(k)*" and inserting "*(m)*".

Amend sec. 57, page 19, line 41, by deleting "*(l)*" and inserting "*(n)*".

Amend sec. 57, page 20, line 1, by deleting "*(m)*" and inserting "*(o)*".

Amend sec. 57, page 20, line 4, by deleting "*(n)*" and inserting "*(p)*".

Amend sec. 57, page 20, line 10, by deleting "*(o)*" and inserting "*(q)*".

Amend sec. 57, page 20, line 12, by deleting "*(p)*" and inserting "*(r)*".

Amend sec. 57, page 20, line 14, by deleting "*(q)*" and inserting "*(s)*".

Amend sec. 59, page 21, by deleting line 17 and inserting:

"*(b) Upon the spouse of the proposed ward and all other known relatives of the proposed ward who are:*".

Amend sec. 59, page 21, by deleting line 19 and inserting:

"*(2) Within the second degree of consanguinity;*".

Amend sec. 59, page 21, by deleting line 23 and inserting:

"*(2) Within the second degree of consanguinity;*".

Amend sec. 59, page 21, line 24, after "*there*" by inserting: "*is no spouse of the proposed ward and there*".

Amend sec. 59, page 21, line 25, by deleting "*or affinity*".

Amend sec. 62, page 23, by deleting lines 19 and 20 and inserting: "*entitled to reasonable compensation which must be paid from the estate of the adult ward or proposed adult ward and is subject to the approval of the court. If the court finds that a person has*".

Amend sec. 64, page 25, lines 6 and 7, by deleting "subsection 7," and inserting: ~~["subsection 7,]~~ *subsections 7 and 8,*".

Amend sec. 64, page 25, by deleting lines 23 through 26 and inserting:

"*8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than two 30-day periods.*".

Amend sec. 65, page 26, lines 43 and 44, by deleting "subsection 7," and inserting: "~~[subsection 7,]~~ *subsections 7 and 8,*".

Amend sec. 65, page 27, by deleting lines 26 through 29 and inserting:

"*8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than two 30-day periods.*".

Amend sec. 66, page 28, lines 42 and 43, by deleting "subsection 7," and inserting: "~~[subsection 7,]~~ *subsections 7 and 8,*".

Amend sec. 66, page 29, by deleting lines 29 through 32 and inserting:

"*8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than two 30-day periods.*".

Amend sec. 71, pages 31 and 32, by deleting line 44 on page 31 and line 1 on page 32 and inserting: "~~[(b) Caused the appointment to be filed]~~

(c) Is not a petitioner".

Amend sec. 71, page 32, by deleting line 5 and inserting: "child, spouse, parent or other adult ~~[.]~~ *, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.*".

Amend sec. 72, page 32, lines 41 and 43, by deleting "*shall*" and inserting "*may*".

Amend sec. 72, page 33, by deleting lines 7 through 9 and inserting:

"*(f) Any request for the appointment of any other interested person that the court deems appropriate.*

4. If the court finds that there is no suitable person to appoint as guardian pursuant to subsection 3, the court shall appoint as".

Amend sec. 72, page 33, by deleting lines 16 through 18 and inserting: "*pursuant to chapter 253 of NRS; or*

(b) A private fiduciary who may obtain a bond in this state and who is a resident of this state, if:".

Amend sec. 93, page 42, by deleting lines 11 and 12 and inserting: "159.113 1. ~~[At any time after his appointment,]~~ *Before taking any of the following actions,* the guardian ~~[of the estate may]~~ *shall*".

Amend sec. 93, page 42, by deleting line 17 and inserting:

"(d) ~~[Enter]~~ *Except as otherwise provided in NRS 159.079, enter* into contracts for the ward or complete the".

Amend sec. 93, pages 42 and 43, by deleting lines 31 through 45 on page 42 and lines 1 through 12 on page 43 and inserting:

"*(l) Exercise the right of the ward to take under or against a will.*

(m) Transfer to a trust created by the ward any property unintentionally omitted from the trust.

(n) Submit a revocable trust to the jurisdiction of the court if:

(1) The ward or the spouse of the ward, or both, are the grantors and sole beneficiaries of the income of the trust; or

(2) The trust was created by the court.

(o) Take any other action which the guardian deems would be in the best interests of the ward.".

Amend sec. 94, page 43, line 32, by deleting "159.113," and inserting: "159.113 ~~[,]~~ *or section 47.5 of this act,*".

Amend sec. 94, page 44, by deleting lines 17 and 18 and inserting:

"(b) The *spouse of the ward and other* heirs ~~[at law and next of kin,]~~ *of the ward who are related within the second degree of consanguinity* so far".

Amend sec. 95, page 45, by deleting lines 28 through 35 and inserting:

"*4. Upon approval of the court, for a period authorized by the court, a guardian of the estate may maintain the assets of the ward in the manner in which the ward had invested the assets before the ward's incapacity.*".

Amend sec. 103, page 49, by deleting lines 14 through 21 and inserting: "*create the interest* at the time ~~[he executed]~~ the will *or interest was created,* but was not competent to make a will *or create the interest* at the time of the sale or transfer and never executed a valid later will ~~[after removal of the legal disability,]~~ *or changed the manner in which the ward held the interest,* the devisee *, beneficiary* or legatee may ~~[at his option]~~ *elect to* take the proceeds of ~~[such]~~ *the* sale or other transfer ~~[with the incidents of a]~~ *of the interest,* specific devise or bequest.".

Amend sec. 107, page 51, by deleting lines 23 through 25 and inserting:

"*2.* Reasonable compensation and services ~~[will]~~ *:*

(a) Must be based upon similar services performed for persons who are not under a legal disability ~~[.]~~ *; and*

(b) Are subject to the approval of the court.".

Amend sec. 108, page 51, lines 32 and 33, by deleting: "law . ~~[;~~

~~(b)]~~" and inserting: "law;

~~[(b)]~~".

Amend sec. 108, page 51, line 34, by deleting "*159.059.*" and inserting "*159.059;*".

Amend sec. 108, page 51, line 36, by deleting "*years*" and inserting "*years;*".

Amend sec. 108, page 51, lines 38 and 39, by deleting: "ward . ~~[;~~

~~(c)]~~" and inserting: "ward;

~~[(c)]~~".

Amend sec. 108, page 51, line 44, by deleting "*estate.*" and inserting "*estate;*".

Amend sec. 108, page 52, line 3, by deleting "*injury.*" and inserting "*injury; or*".

Amend sec. 117, page 57, lines 37 and 38, by deleting: "*guardian for a limited duration*" and inserting: "*short-term guardian*".

Amend section 117, page 57, by deleting lines 40 and 41 and inserting:

"*8.* The appointment of a ~~[temporary]~~ *short-term* guardian pursuant to this section:".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 388.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 189.

Amend sec. 2, page 2, by deleting lines 35 and 36 and inserting: "*benefits, or any combination thereof, and any other benefit appropriate for an entity that qualifies as a voluntary employees' beneficiary*".

Amend the bill as a whole by deleting sections 9 and 10 and renumbering sections 11 through 13 as sections 9 through 11.

Amend sec. 12, page 9, line 33, by deleting "11," and inserting "9,".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 515.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 347.

Amend section 1, page 2, by deleting line 20 and inserting: "*, except as otherwise provided in subsection 2, as follows:*".

Amend sec. 5, page 4, line 2, by deleting "*$75,000;*" and inserting "*$70,000;*".

Amend sec. 5, page 4, line 3, by deleting "*$400,000.*" and inserting "*$100,000.*".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Assemblyman Parks moved that upon return from the printer Assembly Bill No. 515 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 530.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 350.

Amend section 1, page 2, line 15, by deleting "*30-day*" and inserting "*45-day*".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 269.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 3.010 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 396, is hereby amended to read as follows:

Sec. 3.010 Mayor: Duties; Mayor pro tempore.

1. The Mayor shall:

(a) Preside over the meetings of the City Council ~~[, and he may vote only in case of a tie. The Mayor may not vote on any proposed ordinance.]~~ *, but is not entitled to vote on any procedural, substantive or other matter.*

(b) Act as the head of the government of the City for all purposes.

(c) Perform such emergency duties as may be necessary for the general health, welfare and safety of the City.

(d) Perform such other duties as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor.

2. The Mayor may veto all matters passed by the City Council if he gives notice in writing to the City Clerk within 10 days of the action taken by the City Council. A veto may be overturned only by a vote of at least four-fifths of the City Council. An action requiring the expenditure of money is not effective without the approval of the Mayor, unless he does not disapprove the action within 10 days after it is taken by the City Council, or the City Council by a four-fifths majority approves such expenditure at a regular meeting.

3. The City Council shall elect one of its members to be Mayor pro tempore. He shall:

(a) Hold the office and title until the next election without additional compensation, except as otherwise provided in paragraph (c).

(b) Perform the duties of Mayor during the temporary absence or disability of the Mayor without loss of his rights and powers as a member of the Council.

(c) Act as Mayor until the next election if the office of Mayor becomes vacant and draw the salary of Mayor. His salary and position as a member of the Council cease.".

Amend the title of the bill to read as follows:

"AN ACT relating to the City of Sparks; providing that the boundaries of wards must be determined on the basis of population; eliminating the authority of the Mayor to vote on any matter; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Amends provisions of Charter of City of Sparks governing boundaries of wards and voting powers of Mayor. (BDR S-211)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 349.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 246.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend the bill as a whole by deleting sec. 3 and adding new sections designated sections 2 through 4, following sec. 2, to read as follows:

"Sec. 2. NRS 630.253 is hereby amended to read as follows:

630.253 *1.* The Board shall, as a prerequisite for the:

~~[1.]~~ *(a)* Renewal of a license as a physician assistant; or

~~[2.]~~ *(b)* Biennial registration of the holder of a license to practice medicine, require each holder to comply with the requirements for continuing education adopted by the Board. These requirements may provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

2. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

Sec. 3. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board. The licensee is exempt from this provision for the first biennial period after graduation from*:*

(a) An accredited school of professional nursing*;*

(b) An accredited school of practical nursing*;*

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set *forth* in subsection 1. The Board may approve nursing and other courses which are directly related to the practice

of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

Sec. 4. This act becomes effective on July 1, 2003.".

Amend the title of the bill by deleting the first through fourth lines and inserting:

"AN ACT *relating to older persons; requiring the Board of Medical Examiners and the State Board of Nursing to encourage licensees who treat or care for persons who are more than 60 years of age to receive continuing education in geriatrics and gerontology; removing the limitation".*

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 539.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 232.

Amend section 1, page 1, line 6, by deleting "$300" and inserting "~~[$300]~~ *$1,500*".

Amend the title of the bill, third line, after "body;" by inserting: "increasing the maximum dollar amount of supplies that a governing body may purchase each month from a member of the body in certain circumstances;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning contracts into which members of certain governing bodies may enter with governing body. (BDR 27-169)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 166 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

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

Assembly in recess at 12:01 p.m.

ASSEMBLY IN SESSION

At 12:02 p.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

NOTICE OF EXEMPTION

April 15, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 381.

MARK STEVENS
Fiscal Analysis Division

GENERAL FILE AND THIRD READING

Assembly Bill No. 57.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 57:
YEAS—42.
NAYS—None.
Assembly Bill No. 57 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 132.
Bill read third time.
Remarks by Assemblywoman Buckley.
Roll call on Assembly Bill No. 132:
YEAS—42.
NAYS—None.
Assembly Bill No. 132 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 155.
Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 155:

YEAS—42.

NAYS—None.

Assembly Bill No. 155 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Assembly Bill No. 225:

YEAS—42.

NAYS—None.

Assembly Bill No. 225 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 235:

YEAS—42.

NAYS—None.

Assembly Bill No. 235 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 494.

Amend sec. 2, page 3, by deleting lines 15 through 19 and inserting: "*aid, further or conceal an act of terrorism, the felony may be*".

Amend sec. 7, page 7, line 42, after "7." by inserting "*1.*".

Amend sec. 7, page 8, by deleting lines 1 through 3 and inserting:

"*(a) Cause great bodily harm or death to the general population; or*".

Amend sec. 7, page 8, line 4, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 7, page 8, line 6, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 7, page 8, line 8, by deleting "*(b)*" and inserting "*(2)*".

Amend sec. 7, page 8, between lines 8 and 9, by inserting:

"*2. As used in this section, "coercion" does not include an act of civil disobedience.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 253.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 253:
YEAS—42.
NAYS—None.
Assembly Bill No. 253 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 255.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 255:
YEAS—42.
NAYS—None.
Assembly Bill No. 255 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 273.
Bill read third time.
Remarks by Assemblywoman Buckley.
Roll call on Assembly Bill No. 273:
YEAS—42.
NAYS—None.
Assembly Bill No. 273 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 444 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblywoman Chowning.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 331
Bill read third time.
Remarks by Assemblyman McCleary.

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

Assembly in recess at 12:24 p.m.

ASSEMBLY IN SESSION

At 12:27 p.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman McCleary moved that Assembly Bill No. 331 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman McCleary.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 407.
Bill read third time.
Remarks by Assemblyman Hardy.
Roll call on Assembly Bill No. 407:
YEAS—41.
NAYS—Manendo.
Assembly Bill No. 407 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 468.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 468:
YEAS—42.
NAYS—None.
Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 501.
Bill read third time.
Remarks by Assemblyman Horne.
Roll call on Assembly Bill No. 501:
YEAS—42.
NAYS—None.
Assembly Bill No. 501 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 505.
Bill read third time.
Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 505:

YEAS—42.

NAYS—None.

Assembly Bill No. 505 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 166.

Bill read third time.

Remarks by Assemblymen Brown and Buckley.

Roll call on Assembly Bill No. 166:

YEAS—42.

NAYS—None.

Assembly Bill No. 166 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 258 be placed on the Second Reading File.

Motion carried.

Assemblyman Anderson gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 505 was this day passed.

SECOND READING AND AMENDMENT

Assembly Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 268.

Amend sec. 2, page 1, line 6, by deleting "*lotion; or*" and inserting "*lotion;*".

Amend sec. 2, page 1, line 8, by deleting the period and inserting "*; or*".

Amend sec. 2, page 1, between lines 8 and 9, by inserting:

"*3. Combs the hair of a customer.*".

Amend sec. 19, page 7, by deleting lines 14 through 18 and inserting:

"2. The operator of a cosmetological establishment shall lease space to or employ only licensed manicurists, *shampoo assistants,* electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists

at his establishment to provide cosmetological services. *This subsection does not prohibit an operator of a cosmetological establishment from leasing space to or employing a barber.*".

Amend sec. 21, page 7, by deleting lines 34 and 35 and inserting: extending over a period of not ~~[less than 10 months nor]~~ more than ~~[24]~~ *36* months, and maintain a course of practical training and technical".

Amend sec. 24, page 9, line 20, by deleting "644.427" and inserting "644.477".

Amend the title of the bill by deleting the third through fifth lines and inserting: imposing a fee for the issuance or renewal".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Beers.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:43 p.m.

ASSEMBLY IN SESSION

At 5:11 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Mr. Speaker pro Tempore appointed Assemblymen McCleary and Andonov as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Shelley Berkley.

The President of the Senate and members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker pro Tempore invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker pro Tempore invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:18 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Coffin, Neal, and Townsend, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Knecht, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Carlton and Assemblywoman McClain to wait upon Representative Berkley and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Shelley Berkley, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Mr. Speaker pro Tempore welcomed Representative Berkley and invited her to deliver her message.

Shelley Berkley, United States Representative, delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SECOND SESSION, 2003

Thank you, Speaker pro Tempore Williams. It is a pleasure for me to be here. I know how busy you are at this time during the legislative session and I appreciate you giving me the opportunity to speak with you for a few minutes. I was reminiscing with some of the people that I saw as I came into the Chamber, and while I walked around the halls today it occurred to me that I served in the Nevada State Assembly 20 years ago. It is amazing how quickly time flies. My son was an infant at the time I was elected. Those of you who were here remember I was bringing him back and forth and now he will be 21 in June, and that makes me much older now than I was then.

I am going to attempt to wing this speech. I received many calls from the legislative staff asking if I could please give them a written speech so they could enter it into the record. I have become very bored with listening to elected officials read their speeches. Since I find them boring I can't imagine any one of you would find my words inspirational if I read them, so I am going to try to do this with just the benefit of some head notes.

As busy as I have been in Washington, D.C., over the last several months, during such an extraordinarily difficult time, I have tried to keep in touch with everything that is happening here and the challenges you have in the Nevada State Legislature. I know they are daunting and I wanted to congratulate all of you and pay homage to you for the incredible work that you do with limited staff and resources. I think you do a great job on behalf of the people that you represent. I particularly want to acknowledge the Assembly Leadership for having a very robust agenda for the first 45 days. In spite of all the challenges you have, you have kept this Legislature on track and passed legislation that is important to the people you represent. I think this is of paramount importance and I applaud you. I want to congratulate Senator Titus on her Red Rock victory yesterday in committee. I also want to thank Governor Guinn for staying the course and being extremely courageous in what you are doing. I am honored that you are here.

I wanted to address a number of issues today. I sit on three committees, the Transportation and Infrastructure Committee, the Veterans Affairs Committee, and the International Relations Committee. I thought I would share what we are doing on those three committees to give you a better feel of what I do. I also want to talk about the energy legislation that was just passed, as well as the federal budget and its impact on the state of Nevada, those you represent, and all of you.

I would like to talk about the Transportation and Infrastructure Committee. This is my major committee in Congress. I sit on the Aviation Subcommittee and the Ground Transportation Subcommittee. Of importance this year, we are doing the reauthorization of T21, which gives us the authority to fund our projects for the next five years. If it isn't in this year's budget, it will

not be funded for the next five years. Being in a growth state like Nevada, it is very important that we get these projects through, and we should get them through this year. Each of us, in our own congressional district, has a number of projects for which we are requesting funding. I am concentrating on CD1. Congressman Porter, who is also on the Transportation Committee, has a number of projects, many of which interlock with mine. They have been divided up in the best way we can to serve the people that we represent. Of course, Congressman Gibbons has his own set of requests that he is working on as well. The number one priority for the Nevada Department of Transportation (NDOT) is the Clark County Beltway system-to-system interchanges, which is I-215. We have four projects within the I-215 Corridor. The first project is the expansion of the airport connector. If any of you have tried to get to McCarran Airport from I-215 you know how difficult it is with increasing congestion on almost a daily basis. This is going to be corrected. The next project is to create a Summerland interchange. If any of you live in Summerland and are using I-215, you know the amount of traffic I-215 and Summerland is getting. We are also widening I-15 north of US 95 to the speedway and widening US 95 north of Craig Road to the Beltway. All of these projects are very important to the future growth and development of the Las Vegas Valley.

The second project for which we are requesting funds is the Las Vegas Multimodal Transit System, consisting of three components. I am committed, as is the Regional Transportation Commission, to southern Nevada. We have a continuing commitment to a fully integrated transit system throughout the Las Vegas Valley. The first component is the Las Vegas Resort Corridor Fixed Guideway Airport Extension. In plain English, that means the new monorail system will extend from where it is currently beginning to the airport. This is a very big project, and it is important that we get the funding this year. As part of this intermodal system, we are working on a Citizens Area Transit Rail (CAT). The CAT-Rail is a state-of-the-art bus system that will bring people from the outlying areas and the Henderson area to the airport so that they can utilize the intermodal system.

The third component is the Central City Intermodal Transportation Terminal. This will be the major transit center for the metropolitan area in southern Nevada. It includes several facilities for various transportation modes, the CAT System, the Metropolitan Area Express (MAX) Bus Rapid Transit System, and the monorail, all converging in the same place. You can start in Henderson and end up in downtown Las Vegas with very few transit stops. It is big, it is important, it is the wave of the future, and we are going for all the dollars we can in order to receive funding.

The third project I am requesting is money for the Nevada-California Magnetic Levitation Train. This is a very important project for the future of the state of Nevada. If there is another terrorist attack on United States soil and the state of Nevada experiences the same economic downturn because people are not coming to Nevada, we are going to be in a world of hurt, economically. Right now, 46 percent of the people that come to southern Nevada to enjoy our wholesome family entertainment come through McCarran Airport. If people stop flying then our 127,000 hotel rooms will not be filled. The 2 ½ employees who are hired for each hotel room will have trouble getting work. We cannot afford again what happened on 9/11, losing 20,000 jobs almost overnight. We are hoping the Magnetic Levitation Train System will transport people from the southern California area, our major market in southern Nevada, and bring them to the Las Vegas Valley without having to fly through McCarran Airport. I had a meeting in Las Vegas yesterday with the Chairman of the Transportation Committee, Don Young, and he has assured us this project is front and center and will probably be funded this year. There are several other projects throughout the state of Nevada, which I will allow my colleagues to discuss.

The second committee that I sit on is the Veterans Affairs Committee. I have the fastest growing veterans population in the United States in southern Nevada. I have 200,000 veterans. Many of them went through the Vietnam War, the Korean War, or World War II. These veterans are not getting any younger and since we have the fastest growing senior population in southern Nevada, it converges. Many of the veterans depend upon the VA System in order to receive their health care needs met. In 1997, before I was elected to the United States Congress, I just happened to be at the ribbon cutting for the Addeliar D. Guy III VA Clinic on Martin Luther King Boulevard. Five years after that ribbon cutting, in a building that should have lasted many

decades, the building has now been condemned as uninhabitable for humans. Consequently, the VA is in the process of closing that building. Until we get a new building to service our veterans, they will receive their health care needs at eight different locations in southern Nevada. It is going to be extremely difficult for our older veterans to be standing in the heat or the cold and wait for a bus to pick them up and take them from one location to another to have their health care needs met. It is very important that we get a replacement VA health care clinic as soon as possible. I have an assurance from the VA Secretary, who has visited Las Vegas on numerous occasions, that within three years we will have a state-of-the-art, 250,000-square-foot VA clinic to service our veterans in southern Nevada. We had better have it because the leases we have on the eight locations are three-year leases. We don't want to extend them for another three years. It is very important that we get this accomplished. We are looking for land in southern Nevada. The Request For Proposal has been issued and we are anxious that this is awarded soon and we get the VA clinic. There are 200,000 veterans in southern Nevada depending on us to do this and I have promised that we will, in fact, get it done.

In addition, the veterans in southern Nevada need to have a full-service hospital of their own. Certainly with 200,000 veterans in the Las Vegas Valley, I think we have reached a critical mass so that they don't have to share the facilities at Nellis Air Force Base. Approximately 1,500 of our veterans have to go out of state every year in order to get their acute health care needs met. We are taking older Americans, who do not have much money and have very little family, away from their loved ones at a time when they need their support, and sending them several hundred miles away in order to get health care. That is unacceptable to me and I am sure it is unacceptable to everyone in this room. We will work on getting the full service VA hospital as soon as we get the health care clinic completed. When we are done with that we are going to go after a long-term care facility because our veterans don't have a long-term health care facility in the Las Vegas area funded by the federal government, which we need. These are the issues we are working on in the Veterans Affairs Committee.

My third committee is the International Relations Committee. I sit on the Middle East/South Asian Subcommittee. My area of jurisdiction is Afghanistan, Pakistan, India, Iran, Iraq, and the entire Middle East. When I was appointed to this committee I did not anticipate that this would be where all the action is in the United State House of Representatives. It has been an extraordinary experience to have a bird's-eye view on what is going on globally and its impact on the United States of America.

I want to touch very lightly on Iraq and the Middle East. I supported the President's plan to go into Iraq by first going to the United Nations and getting the support, which we initially did in a 15-0 vote by the Security Council. I also voted for legislation that we authorize the President to go in unilaterally if necessary. He, in fact, did and I am grateful that after a month of hostilities things are winding down successfully. I think the easy part is over. The challenge now is in winning the peace. We are going to have our hands full and it is going to be very important. I believe bringing democracy, liberty, and freedom to the Iraqi people will change the paradigm in the Middle East. It is very important that this is done. I do not think there can be peace in the world and an end to terrorism, which is a relatively new phenomenon for those of us who live in the United States, if we do not solve the Middle East crisis, a situation which is not getting any better. I am supporting the President in his road map for Middle East peace and I urge you to watch what happens now that things are winding down in Iraq. I can assure you that the next area the President is going to concentrate on is bringing peace to the Middle East. I believe that the Israelis are entitled to a peaceful existence within secure borders. They are entitled to be recognized for their right to exist by their Arab neighbors and free from random terrorist attacks. I believe the Palestinian people are entitled to a homeland of their own.

For those in our country who are concerned that we went over the United Nations by going into Iraq, let me suggest this to you. There will be a role for the United Nations to play, but the United States could not abdicate our national security interest to anyone, any country, any entity. In the end, it is the United States, the United States government, and all of us who are public servants that owe our constituents protection and the right to be free, have liberty and freedom, and I believe that we did the right thing. When you think of the United Nations, please keep in mind that before we relinquish any responsibility to the United Nations, Syria, a rogue country, is a member of the Security Council, although a nonvoting member. Libya is chairman of the

Human Rights Committee and Iraq is chairman of the Disarmament Committee, something they know something about now.

I want to talk to you briefly about this nation's energy policy. I recently voted against the Administration's energy bill. In my opinion it does nothing to promote a long-term sustainable, affordable policy in this nation. I agree with the President that we have to get away from our dependence and reliance on foreign oil sources, for so many reasons, including security reasons and foreign interest reasons. It is a mistake to be relying our energy needs on dictators and potentates that we ordinarily would not be spending any time with and would be enemies of ours. We make a lot of compromises in order to get that oil, and we should not. Where I part company with the Administration is on the new reliance on nuclear power in order to sustain this nation's energy needs. In the legislation that I voted against, there is a $1 billion subsidy to the nuclear industry. The problem with that, of course, for all of us in Nevada, is this nation has never figured out what it is going to do with its nuclear waste. If we subsidize the nuclear industry to the tune of $1 billion in order to build new power plants, the end result of nuclear energy is nuclear waste. We don't know what to do with it and this nation's solution is to put it in a hole in the Nevada desert. I will reiterate to you, we don't want it, we don't need it, and this is twentieth century technology in a twenty-first century world. Certainly there is a better way of providing for our energy needs and not spending it in a hole in the Nevada desert.

Another problem with this legislation is the so-called "Price-Anderson Amendment." This amendment caps the industry's liability for any nuclear accident. The federal government is indemnifying the nuclear industry with taxpayers' money. If there is a catastrophic accident in any of the nuclear power plants, it is the American taxpayers who will be footing the bill, and not the nuclear industry, for whatever negligence caused the problem. That is wrong. Excuse the cost of nuclear power and excuse it to the low side. If we had to account for insurance needs and the indemnification of the nuclear industry, I can guarantee that nuclear power would be a lot more expensive than they say it is. I think this really skews the numbers dramatically. It is easy to criticize, but what do I think is important? I think we should be investing in renewable energy sources. If the federal government wants Nevada to be the epicenter of energy needs in this country, then let us. Let us harness the sun, wind, geothermal energy, and hydrogen cells. We can do it if we invest the dollars in renewable energy sources. Rather than put $308 billion into Yucca Mountain, the latest estimate of what it is going to cost, let us take a portion of that and subsidize the fledgling solar energy companies, wind power companies, and hydrogen cell companies. Let's do something productive with that money and make this nation energy self-sufficient and leave a legacy to our children, our children's children, and Americans yet unborn, so that we can take care of their energy needs for generations to come. I must give you all credit. I know Nevada has one of the most ambitious renewable portfolios in the entire nation, and I am proud to say I stole your idea and introduced it in the House of Representatives. The United States of America would be very wise to follow Nevada's lead when it comes to renewable energy.

Let me talk briefly about the federal budget. This is the final issue that I wish to discuss. The budget that was passed last week in Congress and its potential fiscal impact on Nevada are things you have to hear about and you need to know, because it is going to impact you, the State, and whatever services we can provide for our constituents. It is important for you to know I voted for the $1.3 trillion tax in 2001. I was one of 27 Democrats who crossed party lines in order to vote for this legislation. I voted for the elimination of the marriage penalty tax. I voted for the elimination of the so-called death tax. I am not adverse to cutting taxes. I thought they were appropriate taxes to cut. I also did it in an atmosphere where we had a $5.6 trillion surplus in this country; there was no war against terrorism, no war in Iraq, no such thing as homeland security needs. This time Congress passed a budget containing tax cuts of over $1.2 trillion, none of which is designed to stimulate the economy. The cut came at a time when we are running a $400 billion deficit, just this year alone, with no hope of turning that around until at least another decade; at a time 42 states, including the state of Nevada, are in fiscal crisis; at a time when we have no idea how long we will be in Iraq, or how much it will cost. We don't know how long the war on terrorism will be, where it will take us, or what the ultimate cost of the war will be. This is a time when the baby boomers are thinking about retiring and expecting their Social Security checks. This is also a time when we have been under great pressure to finally deliver on a

prescription medication benefit that we have been promising the United States of America for the last eight years. To fund the tax cut, the Administration proposes the following cuts in the federal budget, which will impact Nevada. A 7.8 percent cut in the Federal Highway Fund; 7.8 percent does not sound like a lot, but Nevada's share totals to $16 million, which equates to 760 construction jobs that will be lost if we cut the federal highway dollars by 7.8 percent. At a time when our economy is soft we cannot afford to lose one job, let alone 760 jobs. If you want to talk about stimulating the economy, laying people off is not the way. A $250 billion cut to Medicaid and Medicare over the next ten years translates to a $1.2 billion cut to the state of Nevada. That would have devastating consequences on our state budget and I think you in this room know, far better than I, the cost of your Medicaid programs. Talk to the doctors about cutting Medicare, when many doctors are calling my office and telling me they are not going to treat senior citizens because they are not able to afford to anymore. There is a limit to waste, fraud, and abuse, and if you talk to our doctors, they will tell you they are there now.

The proposed education budget is flat. That has devastating consequences for growth states like Nevada. The 2004 Education Budget eliminates 47 education programs. The program that leapt to my eyes when I reviewed it was the Dropout Prevention Program. It has been zeroed out. Nevada has one of the highest dropout rates in the United States. We cannot afford to lose a penny of dropout prevention money. Quite the contrary, we need far more. The No Child Left Behind Program was $9 billion below the amount authorized for 2004. What this should be called is "Leave Every Child Behind." It doesn't matter if the programs are passed if there is no money to fund them. After-school programs had a 41 percent cut. Ask Sheriff Young what this will do to the crime rate in southern Nevada. He will tell you, as he told me, that if we eliminate the after school programs, juvenile crime between 3:00 p.m. to 8:00 p.m. is going to skyrocket. That is obvious for societal reasons in southern Nevada and I suspect throughout the state of Nevada. We cannot afford to do without these programs. They make our nation better, make our nation stronger, make our state better, and make the people we represent better citizens and a part of the American dream. That is our responsibility to the people we represent.

I love my job. It is an honor to serve in the United States House of Representatives and represent your hometown. When we first moved to Las Vegas when I was 11 years old, the first thing we did when we drove into town was to drive down the Las Vegas Strip. I remember thinking to myself, this is the most incredible street that I have ever seen. I drive down that street 40 years later and I have the same reaction. I know how blessed I am that my family decided to make Nevada its home 40 years ago. I am very grateful to all of you and to the people of southern Nevada for giving me an opportunity to represent them in our nation's capital. I also want to take this opportunity to tell all of you how much I admire the work that you do during extraordinarily difficult times. We, in public service, have a responsibility to the people we represent. It is very easy to fulfill that responsibility when things are good, the economy is strong, our nation is at peace, and everybody feels good. It is a little more challenging when things aren't going as well. I have great faith in this nation, the people I represent, and all of the people of the great state of Nevada. When I stand up on the Floor of the House and start speaking about the great state of Nevada, I don't say it as a throw-away line. It is a great state, a wonderful state, and you do a remarkable job. I want to thank you on behalf of the people I represent to the people you represent. Thank you, and God bless.

Senator Titus moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Berkley for her timely, able, and constructive message.

Seconded by Assemblyman Oceguera.

Motion carried unanimously.

The Committee on Escort escorted Representative Berkley to the Bar of the Assembly.

Senator Schneider moved that the Joint Session be dissolved.
Seconded by Assemblyman Horne.
Motion carried.

Joint Session dissolved at 5:52 p.m.

ASSEMBLY IN SESSION

At 5:53 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Keenan and Virginia E. Keenan.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Smith.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Beers and Kyle Beers.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan Martin.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Theron Jensen.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Appel.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Ziser, Sarah Adler, Pat Quinn-Davis, Karissa Block, Tania Figueroa, Molly Fronapfel, Murphy Gardner, Margaret Gebhardt, Mitchell Grover, Tiffany Halen, Kendra Jones, Ashley Kottke, Lisamarie Lindberg, Jack Maloney, Constance Mcalman, Kaley Perry, Travis Trethan, Kameron-Chelsea Vindiola, Samantha Wang, Linsey Wegener, Pia Wendell, Aaron Mousitsen, Meaghan Antle, John Berger, Jessica Goddard, Erin Holderman, Stephanie Mercier, Richard Panozzo, Todd Parker, Elizabeth Rankl, Quinn Reid, Annamarie Theuret, Dean Wildman, Logan Young, Joy Ellington, Robert Reynolds, Kayla Olson, Christel Williams, Charles Ferreira, Sarah Hutchinson, Michelle Summers, Jim Gustafson, Janae Baldwin, Teneya Cramer, Chrystal Martens, Ben Auer, and Christina Hanson.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jane Levitt, Alice Chameides, Millie Potter, Virginia Kimball, Lucille Franchini, Helen Jackson, Amelia Klink, Edna Pearl, Nancy Shapiro, and Bonnie Golde.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Marjan Hajibandeh.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, April 16, 2003, at 10:30 a.m.

Motion carried.

Assembly adjourned at 5:53 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 16, 2003

Assembly called to order at 10:43 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywomen Gibbons and Ohrenschall, who were excused.

Prayer by the Chaplain, Pastor John Jackson.

Dear Lord, We thank You for another day in which to live. We ask for Your peace in our world. Protect our soldiers from harm and bring a peaceful conclusion to their mission. Comfort and support the families of those who are serving. Equip and encourage those here today in this Assembly as they make decisions today. Thank You for their commitment. We ask this in Your Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 179, 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 450, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 274, 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 87, 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 334, 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 345, 401, 456, 466, 482.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 71, 143, 163, 168, 246, 301, 415.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 14—Directing the Legislative Commission to conduct an interim study of all election, ethics and campaign laws in this state.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 444 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblyman McCleary moved that Assembly Bill No. 331 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman McCleary.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 86, 179, 219, 274, 291, 324, 391, 450, 487, 488, 510, and 536 be placed on the Second Reading File.

Motion carried.

Assemblyman Manendo moved that Assembly Bill No. 3 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Buckley moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 71.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 143.

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

Motion carried.

Senate Bill No. 163.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 168.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 246.

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

Motion carried.

Senate Bill No. 301.

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

Motion carried.

Senate Bill No. 345.

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

Motion carried.

Senate Bill No. 401.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 415.

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

Motion carried.

Senate Bill No. 456.

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

Motion carried.

Senate Bill No. 466.

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

Motion carried.

Senate Bill No. 482.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 483.

Amend section 1, page 1, by deleting lines 9 through 11 and inserting: "*money pursuant to the Act in the Election Fund.*".

Amend section 1, page 2, line 4, by deleting "*Expend*" and inserting "*Only expend*".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. The Secretary of State is hereby authorized to expend not more than $5,000,000 from the Election Fund created by section 1 of this act for the purposes of implementing Title 1 of the Help America Vote Act of 2002 (42 U.S.C. §§ 15301 to 15306).

2. Upon expenditure of the money authorized by subsection 1, the Secretary of State shall provide a report to the Interim Finance Committee that provides a detailed accounting of the manner in which the money was expended.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 312.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 332.039 is hereby amended to read as follows:

332.039 1. Except as otherwise provided by specific statute:

(a) A governing body or its authorized representative ~~[in a county whose population is 100,000 or more]~~ shall advertise all contracts for which the estimated amount required to perform the contract exceeds $25,000.

(b) ~~[Such a]~~ *A* governing body or its authorized representative may enter into a contract of any nature without advertising if the estimated amount required to perform the contract is $25,000 or less.

(c) If the estimated amount required to perform the contract is more than $10,000 but not more than $25,000, requests for bids must be submitted *by the governing body or its authorized representative* to two or more persons capable of performing the contract, if available. The governing body or its authorized representative shall maintain a record of all requests for bids and all bids received *for the contract* for at least 7 years after the date of execution of the contract.

2. This section does not prohibit a governing body or its authorized representative from advertising for or requesting bids regardless of the estimated amount to perform the contract.".

Amend sec. 2, page 2, line 39, by deleting: "NRS 332.036 and" and inserting: ~~"[NRS 332.036 and]"~~.

Amend sec. 3, page 3, line 10, by deleting "is" and inserting: "and 332.036 are".

Amend the text of repealed sections by adding the text of NRS 332.036.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 179.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 384.

Amend sec. 7, page 11, by deleting lines 25 through 31 and inserting:

"~~[6.] 5.~~ If a pupil fails to pass the *high school* proficiency examination ~~[administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.~~

~~7.~~] *and the pupil desires to receive an endorsement on his diploma indicating that he passed the high school proficiency examination, the pupil may retake the portion or portions of the reading examination or the portion or portions of the mathematics examination, or both, which the pupil failed. The State Board shall prescribe by regulation the maximum number of times that a pupil may retake the examination, or a portion of the examination, pursuant to this subsection.*

6. The State Board shall prescribe standard examinations of".

Amend sec. 9, page 14, by deleting lines 38 through 40 and inserting:

"(a) Importance of passing the examination, including, without limitation, an explanation that if the pupil fails the examination he is not eligible to receive ~~[a standard high school diploma~~;] *an endorsement on his diploma indicating that he passed the high school proficiency examination;*".

Amend sec. 9, page 15, by deleting lines 3 through 5 and inserting:

"(f) Maximum number of times that a pupil is allowed to take the examination *, or a portion of the examination,* if he fails to pass the examination *, or a portion of the examination,* after the first administration ~~[,]~~ *to receive an endorsement on his diploma indicating that he passed the examination;* and".

Amend sec. 9, page 15, line 6, by deleting "(g)]" and inserting "(g)".

Amend the bill as a whole by deleting sections 11 and 12 and the leadlines of repealed sections and renumbering sec. 13 as sec. 11.

Amend the title of the bill to read as follows:

"AN ACT relating to education; requiring the State Board of Education to prescribe endorsements to the standard high school diploma; removing the requirement that a pupil pass the high school proficiency examination as a condition to receipt of a high school diploma; authorizing a pupil to retake

those portions of the high school proficiency examination which he failed in order to receive an endorsement on his diploma indicating that he passed the examination; revising provisions governing the administration of achievement and proficiency examinations to pupils with disabilities and pupils whose primary language is not English; revising provisions governing the reporting of achievement and proficiency examinations; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 118.

Amend section 1, page 2, line 33, by deleting "The" and inserting: "If the Director of the Department of Administration determines that there is sufficient money in the account established pursuant to section 2 of this act, the".

Amend section 1, page 3, line 26, by deleting "shall" and inserting: "shall, if feasible,".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. The Director of the Department of Administration may apply for and accept any grant, gift, donation, bequest or other source of money to conduct the study described in section 1 of this act.

2. Any money received by the Director pursuant to subsection 1 must be deposited in a separate account in the State General Fund.

3. The account must be administered by the Director, who may expend the money in the account only for the purpose of conducting the study described in section 1 of this act.

4. The interest earned on the money in the account, after deducting any applicable charges, must be credited to the account.

5. If the Director determines that there is insufficient money in the account to conduct the study described in section 1 of this act, all money in the account must be returned to the persons who donated or otherwise provided the money.".

Amend the title of the bill by deleting the fifth and sixth lines and inserting: "communities under certain circumstances; requiring the Department to recommend, if feasible, the relocation of at least one such agency; authorizing the Director of the Department to receive and expend money to conduct the study; and providing".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires Department of Administration to conduct study concerning feasibility and desirability of relocating certain state agencies to rural communities under certain circumstances. (BDR S-1088)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 274.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 302.

Amend section 1, page 1, line 2, before "A" by inserting "*1.*".

Amend section 1, page 1, line 5, by deleting "1." and inserting "~~[1.]~~ *(a)*".

Amend section 1, page 1, line 10, by deleting "(a)" and inserting "~~[(a)]~~ *(1)*".

Amend section 1, page 1, by deleting lines 11 through 14, and inserting: ~~["(b) For]~~

(2) Except as otherwise provided in subsection 2, for all other periodic tenancies, at least 30 days; or

~~[(c)]~~ *(3)* For tenancies at will, at least 5 days.".

Amend section 1, page 2, line 1, by deleting "2." and inserting "~~[2.]~~ *(b)*".

Amend section 1, page 2 , by deleting lines 4 through 9, and inserting:

"~~[(a)]~~ *(1)* The term of the rental agreement or its termination and, except as otherwise provided in ~~[paragraph (b),]~~ *subparagraph (2),* the expiration of a notice of ~~[at]~~ *:*

(I) At least 7 days for tenancies from week to week *;* and

(II) Except as otherwise provided in subsection 2, at least 30 days for all other periodic tenancies; or

~~[(b)]~~ *(2)* A notice of at least 5 days where the tenant has failed to".

Amend section 1, page 2, line 12, by deleting "3." and inserting " ~~[3.]~~ *(c)*".

Amend section 1, page 2, line 20, by deleting "4." and inserting " ~~[4.]~~ *(d)*".

Amend section 1, page 2, between lines 22 and 23, by inserting:

"*2. Except as otherwise provided in this subsection, if a tenant with a periodic tenancy pursuant to paragraph (a) or (b) of subsection 1, other than a tenancy from week to week, is 60 years of age or older or has a physical or mental disability, the tenant must be allowed to continue in possession for an additional 30 days beyond the time specified in subsection 1 if the tenant submits a written request for an extended period and provides proof of his age or disability. A landlord is not required to allow a tenant to continue in possession if a shorter notice is provided pursuant to subparagraph (2) of paragraph (b) of subsection 1.*

3. Any notice provided pursuant to paragraph (a) or (b) of subsection 1 must include a statement advising the tenant of the provisions of subsection 2.

4. If a landlord fails to allow a tenant to continue in possession for an additional 30 days pursuant to subsection 2, the tenant may petition the court for an order to continue in possession for the additional 30 days. The court shall grant the petition if the tenant submits proof that he is entitled to such an extension pursuant to subsection 2 and may grant such other relief as it deems appropriate.".

Amend the title of the bill to read as follows:

"AN ACT relating to property; increasing the length of notice before a person who is 60 years of age or older or who has a disability may be evicted from certain periodic tenancies under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Increases length of notice before person who is 60 years of age or older or who has disability may be evicted from certain periodic tenancies under certain circumstances. (BDR 3-1128)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 291.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 339.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 278.040 is hereby amended to read as follows:

278.040 1. The members of the planning commission are appointed by the chief executive officer of the city, or in the case of a county by the chairman of the board of county commissioners, with the approval of the governing body. The members must not be members of the governing body of the city or county. The majority of the members of the county planning commission in any county whose population is 400,000 or more must reside within the unincorporated area of the county.

2. In Carson City, the members of the planning commission established as provided in NRS 278.030 are appointed by the mayor from the city at large, with the approval of the Board of Supervisors.

3. The governing body may provide for compensation to its planning commission in an amount of not more than $80 per meeting of the commission, with a total of not more than $400 per month, and may provide

travel expenses and subsistence allowances for the members in the same amounts as are allowed for other officers and employees of the county or city.

4. Except as otherwise provided in this subsection, the term of each member is 4 years, or until his successor takes office. If applicable, the term of each member of a county or city planning commission in any county whose population is 400,000 or more is coterminous with the term of the member of the governing body who recommended his appointment to the appointing authority. If the recommending member resigns his office before the expiration of his term, the corresponding member of the planning commission may continue to serve until the office is next filled by election. If the office of the recommending member becomes vacant before the expiration of the term for any other reason, the corresponding member of the planning commission may continue to serve for the duration of the original term.

5. ~~[Members]~~ *Except as otherwise provided in this subsection, members of a county or city planning commission* may be removed, after public hearing, by a majority vote of the governing body for just cause. *In a county whose population is 400,000 or more, members of a county or city planning commission serve at the pleasure of their appointing authority.*

6. Vacancies occurring otherwise than through the expiration of term must be filled for the unexpired term.

Sec. 2. NRS 278.050 is hereby amended to read as follows:

278.050 1. The commission shall hold at least one regular meeting in each month.

2. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

3. In a county whose population is 400,000 or more, the commission shall not grant to an applicant more than two continuances on the same matter, unless the commission determines, upon good cause shown, that the granting of additional continuances is warranted.

Sec. 3. NRS 278.3195 is hereby amended to read as follows:

278.3195 1. Except as otherwise provided in NRS 278.310, each governing body shall adopt an ordinance providing that any person who is aggrieved by a decision of:

(a) The planning commission, if the governing body has created a planning commission pursuant to NRS 278.030;

(b) The board of adjustment, if the governing body has created a board of adjustment pursuant to NRS 278.270;

(c) A hearing examiner, if the governing body has appointed a hearing examiner pursuant to NRS 278.262; or

(d) Any other person appointed or employed by the governing body who is authorized to make administrative decisions regarding the use of land,

may appeal the decision to the governing body. *In a county whose population is 400,000 or more, a person shall be deemed to be aggrieved under an ordinance adopted pursuant to this subsection if the person appeared, either in person, through an authorized representative, or in writing, before a person or entity described in paragraphs (a) to (d), inclusive, on the matter which is the subject of the decision.*

2. Except as otherwise provided in NRS 278.310, an ordinance adopted pursuant to subsection 1 must set forth, without limitation:

(a) The period within which an appeal must be filed with the governing body.

(b) The procedures pursuant to which the governing body will hear the appeal.

(c) That the governing body may affirm, modify or reverse a decision.

(d) The period within which the governing body must render its decision except that:

(1) In a county whose population is 400,000 or more, that period must not exceed 45 days.

(2) In a county whose population is less than 400,000, that period must not exceed 60 days.

(e) That the decision of the governing body is a final decision for the purpose of judicial review.

(f) That, in reviewing a decision, the governing body will be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020.

(g) That the governing body may charge the appellant a fee for the filing of an appeal.

3. *In addition to the requirements set forth in subsection 2, in a county whose population is 400,000 or more, an ordinance adopted pursuant to subsection 1 must:*

(a) Set forth procedures for the consolidation of appeals; and

(b) Prohibit the governing body from granting to an aggrieved person more than two continuances on the same matter, unless the governing body determines, upon good cause shown, that the granting of additional continuances is warranted.

4. Any person who:

(a) Has appealed a decision to the governing body in accordance with an ordinance adopted pursuant to subsection 1; and

(b) Is aggrieved by the decision of the governing body,

may appeal that decision to the district court of the proper county by filing a petition for judicial review within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in NRS 278.0235.

Sec. 4. NRS 281.501 is hereby amended to read as follows:

281.501 1. Except as otherwise provided in subsection 2 ~~[or 3,]~~ *, 3 or 4,* a public officer may vote upon a matter if the benefit or detriment accruing

to him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.

2. ~~[In]~~ *Except as otherwise provided in subsection 3, in* addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His acceptance of a gift or loan;

(b) His pecuniary interest; or

(c) His commitment in a private capacity to the interests of others.

It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection ~~[3]~~ *4* relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.

3. *In a county whose population is 400,000 or more, a member of a county or city planning commission shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:*

(a) His acceptance of a gift or loan;

(b) His direct pecuniary interest; or

(c) His commitment to a member of his household or a person who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity. It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his direct pecuniary interest or his commitment described in paragraph (c) where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the direct pecuniary interest or commitment.

4. A public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon any matter:

(a) Regarding which he has accepted a gift or loan;

(b) Which would reasonably be affected by his commitment in a private capacity to the interest of others; or

(c) In which he has a pecuniary interest, without disclosing sufficient information concerning the gift, loan, commitment or interest to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the person to whom he has a commitment, or upon his interest. Except as otherwise provided in subsection ~~[6,]~~ *7,* such a disclosure must be made at the time the matter is considered. If the officer or employee is a member of a body which makes decisions, he shall make the disclosure in public to the Chairman and other members of the body. If the officer or employee is not a member of such a body and holds an appointive office, he shall make the disclosure to the supervisory head of his organization or, if he holds an elective office, to the general public in the area from which he is elected. This subsection does not require a public officer to disclose any campaign contributions that the public officer reported pursuant to NRS 294A.120 or 294A.125 in a timely manner.

~~[4.]~~ *5.* If a public officer declares to the body or committee in which the vote is to be taken that he will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

~~[5.]~~ *6.* If a public officer is voting on a matter which affects public employees, he shall make a full public disclosure of any personal pecuniary interest which he may have in the matter.

~~[6.]~~ *7.* After a member of the Legislature makes a disclosure pursuant to subsection ~~[3,]~~ *4,* he may file with the Director of the Legislative Counsel Bureau a written statement of his disclosure. The written statement must designate the matter to which the disclosure applies. After a Legislator files a written statement pursuant to this subsection, he is not required to disclose orally his interest when the matter is further considered by the Legislature or any committee thereof. A written statement of disclosure is a public record and must be made available for inspection by the public during the regular office hours of the Legislative Counsel Bureau.

~~[7.]~~ *8.* The provisions of this section do not, under any circumstances:

(a) Prohibit a member of the legislative branch from requesting or introducing a legislative measure; or

(b) Require a member of the legislative branch to take any particular action before or while requesting or introducing a legislative measure.

~~[8.]~~ *9.* As used in this section, "commitment in a private capacity to the interests of others" means a commitment to a person:

(a) Who is a member of his household;

(b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;

(c) Who employs him or a member of his household;

(d) With whom he has a substantial and continuing business relationship; or

(e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.”.

Amend the title of the bill to read as follows:

“AN ACT relating to land use planning; providing that members of city and county planning commissions in certain larger counties serve at the pleasure of their appointing authority; limiting the number of continuances that may be granted by a city or county planning commission in certain larger counties under certain circumstances; revising provisions relating to the appeal of certain land use decisions; revising certain ethical requirements with respect to members of city and county planning commissions in certain larger counties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to city and county planning commissions in certain larger counties. (BDR 22-728)”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 324.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 462.

Amend the bill as a whole by deleting sections 46 and 47 and adding:

“Secs. 46 and 47. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 51 and adding:

“Sec. 51. (Deleted by amendment.)”.

Amend the title of the bill by deleting the third and fourth lines and inserting: “registration of certain vehicles; and providing other”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing frequency of renewal of registration of certain vehicles. (BDR 43-1097)”.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 151.

Amend section 1, page 1, by deleting lines 1 through 8 and inserting:

"Section 1. 1. There is hereby appropriated from the State General Fund to the University and Community College System of Nevada the sum of $3,000,000 for the creation and implementation of a Program of Workforce Development Challenge Grants by the community colleges within the System.

2. The money appropriated by subsection 1 must be distributed, in a manner determined by the University and Community College System of Nevada, to the:

(a) Community College of Southern Nevada;

(b) Great Basin College;

(c) Truckee Meadows Community College; and

(d) Western Nevada Community College,

to create and implement a Program of Workforce Development Challenge Grants. The Program must include the provision of appropriate workforce training to ensure an adequate supply of skilled workers to meet the demands of economic development.".

Amend the title of the bill to read as follows:

"AN ACT making an appropriation to the University and Community College System of Nevada for use by the community colleges within the System to create and implement a Program of Workforce Development Challenge Grants; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes appropriation to University and Community College System of Nevada for creation of Program of Workforce Development Challenge Grants. (BDR S-1298)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 450.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 404.

Amend section 1, page 2, line 37, by deleting: "*longer than 3 months*" and inserting: "*a reasonable period*".

Amend section 1, page 2, line 38, after "*candidates*" by inserting: "*for the position*".

Amend section 1, page 2, lines 42 and 43, by deleting: "*annual salary authorized for that position is more than $50,000.*" and inserting: "*position is the administrative head of a department, board, agency, school district or commission, or the immediate deputy or assistant of such an administrative head.*".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 388.

Amend section 1, page 1, by deleting lines 12 and 13.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 218.536, 218.5361, 218.5363, 218.5365, 218.5367, 218.5368, 218.5369 and 218.5371 are hereby repealed.".

Amend sec. 3, page 2, by deleting line 42 and inserting:

"Sec. 4. 1. This section and sections 1 and 2 of this act become effective on July 1, 2003.

2. Section 3 of this act becomes effective on July 1, 2005.".

Amend the bill as a whole by adding the leadlines of repealed sections, following sec. 3, to read as follows:

"

LEADLINES OF REPEALED SECTIONS

218.536 Legislative findings and declarations.
218.5361 "Committee" defined.
218.5363 Establishment; membership; Chairman; vacancies.
218.5365 Meetings; regulations; compensation of members.
218.5367 Powers of Committee.
218.5368 Duties of Committee.
218.5369 Oaths; depositions; subpoenas.
218.5371 Fees and mileage for witnesses.".

Amend the title of the bill, third line, after the semicolon by inserting: "providing the date for expiration of the Committee;".

Amend the summary of the bill to read as follows:

"SUMMARY—Enlarges membership of Legislative Committee on Public Lands and provides date for expiration of Committee. (BDR 17-1272)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 488.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 238.

Amend section 1, pages 1 and 2, by deleting lines 7 through 11 on page 1 and lines 1 through 8 on page 2, and inserting: "*provisions of NRS 536.120 which involves the ditch if the ditch is located:*

(a) Within the boundaries of an adjudicated stream system for which the State Engineer has appointed an engineer to work in a supervisory capacity pursuant to NRS 533.275; and

(b) Outside the boundaries of an irrigation district organized pursuant to chapter 539 of NRS.

2. For any complaint investigated pursuant to subsection 1, the State Engineer shall:

(a) Prepare a report concerning the investigation, including, without limitation, the condition of the ditch; and

(b) Make the report available to the person or local governmental entity that requested the investigation.

3. A person or local governmental entity that obtains a report pursuant to subsection 2 may submit a copy of the report with any report of a violation of the provisions of NRS 536.120 that is reported to a law enforcement agency.".

Amend the bill as a whole by deleting sections 2 and 3, renumbering sec. 4 as sec. 9 and adding new sections designated sections 2 through 8, following section 1, to read as follows:

"Sec. 2. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any county whose population is less than 100,000, when any subdivider proposes to subdivide land which is located outside the boundaries of any irrigation district organized pursuant to chapter 539 of NRS on which an irrigation ditch is located, the planning commission or its designated representative, or if there is no planning commission, the clerk or other designated representative of the governing body, shall forward a copy of the subdivider's tentative map, by certified or registered mail, to the last known address of the owner of record of any land to which the irrigation ditch is appurtenant that is on file in the office of the county assessor pursuant to this section. An owner of record who receives a copy of a subdivider's tentative map shall, within 30 days after receiving the map, review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take those comments into consideration before approving the tentative map.

2. A subdivider whose tentative map is provided to an owner of record pursuant to this section is responsible for any costs incurred by the planning commission or its designated representative, or by the clerk or other designated representative of the governing body, in identifying the owner of record and providing a copy of the tentative map to the owner of record.

Sec. 3. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 2 of this act,* unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 4. NRS 278.320 is hereby amended to read as follows:

278.320 1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer[,] *or* development *,* or any proposed transfer or development *,* unless exempted by one of the following provisions:

(a) The term "subdivision" does not apply to any division of land which is subject to the provisions of NRS 278.471 to 278.4725, inclusive.

(b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.

(c) Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term "subdivision" does not apply to:

(1) Any division of land which is ordered by any court in this state or created by operation of law;

(2) A lien, mortgage, deed of trust or any other security instrument;

(3) A security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;

(4) Cemetery lots; or

(5) An interest in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property.

2. A common-interest community consisting of five or more units shall be deemed to be a subdivision of land within the meaning of this section, but need only comply with NRS 278.326 to 278.460, inclusive, *and section 2 of this act,* and 278.473 to 278.490, inclusive.

3. The board of county commissioners of any county may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, *and section 2 of this act* if:

(a) The land is owned by a railroad company or by a nonprofit corporation organized and existing pursuant to the provisions of chapter 81 or 82 of NRS which is an immediate successor in title to a railroad company, and the land was in the past used in connection with any railroad operation; and

(b) Other persons now permanently reside on the land.

4. This chapter does not apply to the division of land for agricultural purposes into parcels of more than 10 acres, if a street, road, or highway opening or widening or easement of any kind is not involved.

Sec. 5. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.

2. The subdivider shall file copies of [such] *the* map with the planning commission or its designated representative, or with the clerk of the

governing body if there is no planning commission, together with a filing fee in an amount determined by the governing body.

3. The commission, its designated representative, the clerk or other designated representative of the governing body or, when authorized by the governing body, the subdivider or any other appropriate agency shall distribute copies of the map and any accompanying data to all state and local agencies *and persons* charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting.

5. Except as otherwise provided by subsection 6, if there is a planning commission, it shall:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

after accepting as a complete application a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to take final action on a tentative map, the planning commission shall:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

after accepting as a complete application a tentative map, approve, conditionally approve or disapprove the tentative map in the manner provided for in NRS 278.349. The planning commission shall file its written decision with the governing body.

Sec. 6. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities *and persons* reviewing the tentative map pursuant to NRS 278.330 to 278.348, inclusive ~~[.]~~ *, and section 2 of this act;* and

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 7. NRS 278.590 is hereby amended to read as follows:

278.590 1. It is unlawful for any person to contract to sell, to sell or to transfer any subdivision or any part thereof, or land divided pursuant to a parcel map or map of division into large parcels, unless:

(a) The required map thereof, in full compliance with the appropriate provisions of NRS 278.010 to 278.630, inclusive, *and section 2 of this act,* and any local ordinance, has been recorded in the office of the recorder of each county in which the subdivision or land divided is located; or

(b) The person is contractually obligated to record the required map ~~[.]~~ before title is transferred or possession is delivered, whichever is earlier, as provided in paragraph (a).

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and is liable for a civil penalty of not more than $300 for each lot or parcel sold or transferred.

3. This section does not bar any legal, equitable or summary remedy to which any aggrieved municipality or other political subdivision, or any person, may otherwise be entitled, and any such municipality or other political subdivision or person may file suit in the district court of the county in which any property attempted to be divided or sold in violation of any provision of NRS 278.010 to 278.630, inclusive, *and section 2 of this act,* is

located to restrain or enjoin any attempted or proposed division or transfer in violation of those sections.

Sec. 8. NRS 278.600 is hereby amended to read as follows:

278.600 Any county recorder who records a map contrary to the provisions of NRS 278.010 to 278.630, inclusive, *and section 2 of this act,* or of any local ordinance adopted pursuant thereto is guilty of a misdemeanor.".

Amend the title of the bill to read as follows:

"AN ACT relating to ditches; requiring the State Engineer to investigate and prepare a report concerning certain complaints concerning possible criminal acts involving ditches; requiring a copy of a subdivider's tentative map to be forwarded to the owner of record of land to which an irrigation ditch is appurtenant under certain circumstances; and providing other matters properly relating thereto.".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 510.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 290.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "*passing the high school proficiency examination. The course of study must:*".

Amend section 1, page 2, line 4, by deleting "*shall*" and inserting "*may*".

Amend sec. 2, page 2, by deleting lines 30 through 33 and inserting:

"*(h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.*".

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend sec. 4, page 3, line 27, by deleting: "sections 2 and 3" and inserting "section 2".

Amend the title of the bill by deleting the third through ninth lines and inserting: "to pass the high school proficiency examination; authorizing the boards of trustees of school districts to offer the course of study to pupils enrolled in high school; revising provisions governing the informational pamphlet concerning the high school proficiency examination to include certain information regarding preparation for the college entrance examinations; and providing other matters properly".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires State Board of Education to prescribe course of study to prepare pupils for high school proficiency examination. (BDR 34-1239)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:17 a.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

Assembly Bill No. 536.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 499.
Amend section 1, page 1, by deleting lines 9 through 15 and inserting:
"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*
(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and
(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".
Amend sec. 5, page 3, by deleting line 22 and inserting: "bank *,* ~~[or]~~ savings and loan association ~~[,]~~ *or thrift company;* and".
Amend sec. 6, page 5, line 9, by deleting "street" and inserting "~~[street]~~".
Amend sec. 9, page 6, by deleting lines 38 through 43 and inserting:
"2. *Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.110315 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered*".
Amend sec. 10, page 7, by deleting lines 15 through 20 and inserting:
"2. On the first day of the first anniversary of the month following the month in which the filing was required, the charter of the corporation is revoked and its right to transact business is forfeited.
3. The Secretary of State".
Amend sec. 10, page 7, line 24, by deleting "*3.*" and inserting "*4.*".
Amend sec. 10, page 7, line 26, by deleting "*2*" and inserting "*3*".
Amend sec. 10, page 7, line 32, by deleting "4." and inserting "~~[4.]~~ *5.*".
Amend sec. 10, page 7, line 42, by deleting "5." and inserting "~~[5.]~~ *6.*".

Amend sec. 11, page 8, by deleting lines 16 through 18 and inserting: "each required annual list in a timely manner; and

(2) A fee of $200 for reinstatement.".

Amend sec. 11, page 8, by deleting line 25 and inserting: "~~certified copies of the~~] *a* certificate of reinstatement [.] *if the corporation:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. NRS 78.185 is hereby amended to read as follows:

78.185 1. Except as otherwise provided in subsection 2, if a corporation applies to reinstate or revive its charter but its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the corporation shall in its application for reinstatement submit in writing to the Secretary of State some other name under which it desires its corporate existence to be reinstated or revived. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall [~~issue to the applying corporation a certificate of reinstatement or revival~~] *reinstate the corporation* under that new name.

2. If the applying corporation submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying corporation or a new name it has submitted, it may be reinstated or revived under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination of these.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.".

Amend sec. 12, page 8, by deleting lines 41 through 45 and inserting: "and 78.390, as applicable . [~~, and must be accompanied by:~~

~~(a) A resolution; or~~

~~(b) A form prescribed by the Secretary of State, setting forth which provisions of the articles of incorporation on file with the Secretary of State are being altered or amended.~~]".

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5. NRS 78.795 is hereby amended to read as follows:

78.795 1. Any natural person or corporation residing or located in this state may [~~, on or after January 1 of any year but before January 31 of that year,~~] register his willingness to serve as the resident agent of a domestic or

foreign corporation, limited-liability company or limited partnership with the Secretary of State. The registration must be accompanied by a fee of $250 per office location of the resident agent.

2. The Secretary of State shall maintain a list of those persons who are registered pursuant to subsection 1 and make the list available to persons seeking to do business in this state.

3. The Secretary of State may amend any information provided in the list if a person who is included in the list:

(a) Requests the amendment; and

(b) Pays a fee of $50.

4. The Secretary of State may adopt regulations regarding the content, maintenance and presentation of the list.".

Amend sec. 17, page 12, by deleting lines 22 through 28 and inserting:

"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*

(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and

(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".

Amend sec. 19, pages 12 and 13, by deleting lines 40 through 45 on page 12 and line 1 on page 13 and inserting:

"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*

(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and

(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".

Amend sec. 20, page 13, by deleting lines 16 and 17 and inserting: "*the Secretary of State shall reinstate the foreign corporation under that new name.*".

Amend sec. 30, page 19, by deleting lines 6 through 16 and inserting: "business was forfeited; and

(2) A fee of $200 for reinstatement.

2. ~~[If payment is made and]~~ *When* the Secretary of State reinstates the corporation *,* ~~[to its former rights,]~~ he shall ~~[:~~

~~(a) Immediately issue and deliver to the corporation so reinstated a certificate of reinstatement authorizing it to transact business in the same manner as if the filing fee had been paid when due; and~~

~~(b) Upon demand,]~~ issue to the corporation ~~[one or more certified copies of the]~~ *a* certificate of reinstatement ~~[.]~~ *if the corporation:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.".

Amend sec. 32, page 19, by deleting lines 33 through 39 and inserting:

"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*

(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and

(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".

Amend sec. 36, page 21, by deleting lines 16 through 22 and inserting:

"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*

(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and

(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".

Amend sec. 38, page 22, lines 18 and 19 by deleting "*officer and*".

Amend sec. 38, page 22, line 20 by deleting "*street*".

Amend sec. 43, page 24, by deleting lines 23 through 28 and inserting: "*business was forfeited; and*

(2) A fee of $25 for reinstatement.

2. When the Secretary of State reinstates the foreign nonprofit corporation, he shall issue to the foreign nonprofit corporation a certificate of reinstatement if the foreign nonprofit corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the fees as provided in subsection 8 of NRS 78.785.".

Amend sec. 44, page 25, by deleting lines 4 and 5 and inserting: "*the Secretary of State shall reinstate the foreign nonprofit corporation under that new name.*".

Amend sec. 46, page 26, by deleting lines 13 through 18 and inserting:

"2. *Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.110315 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has*".

Amend sec. 51 page 28, by deleting lines 30 through 36 and inserting:

"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*

(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and

(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".

Amend sec. 53, page 29, by deleting lines 32 through 36 and inserting:

"2. On the first day of the ~~[ninth]~~ *first anniversary of the* month following the month in which the filing was required, the charter of the corporation sole is revoked and its right to transact business is forfeited.

3. The Secretary of State".

Amend sec. 53, page 29, line 40, by deleting "*3.*" and inserting "*4.*".

Amend sec. 53, page 29, line 42, by deleting "*2*" and inserting "*3*".

Amend sec. 55 page 30, by deleting lines 12 through 18 and inserting:

"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*

(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and

(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".

Amend sec. 56, page 30, line 37, by deleting "*street*".

Amend sec. 61, page 32, by deleting lines 44 and 45 and inserting: "*sections 56 and 58 of this act; and*".

Amend sec. 61, page 33, by deleting lines 4 through 10 and inserting: "*business was forfeited; and*

(2) A fee of $200 for reinstatement.

2. When the Secretary of State reinstates the foreign limited-liability company, he shall issue to the foreign limited-liability company a certificate of reinstatement if the foreign limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.".

Amend sec. 62, page 33, by deleting lines 30 and 31 and inserting: "*otherwise on file, the Secretary of State shall reinstate the foreign limited-liability company*".

Amend sec. 64, page 35, by deleting lines 26 and 27 and inserting: "*exclusively or in connection with its business as a bank, savings and loan association or thrift company; and*".

Amend sec. 69, page 38, by deleting lines 33 through 37 and inserting:

"2. On the first day of the first anniversary of the month following the month in which the filing was required, the charter of the company is revoked and its right to transact business is forfeited.

3. The Secretary of".

Amend sec. 69, page 38, line 41, by deleting "*3.*" and inserting "*4.*".

Amend sec. 69, page 38, line 44, by deleting "*2*" and inserting "*3*".

Amend sec. 69, page 39, line 5, by deleting "4." and inserting "~~[4.]~~ *5.*".

Amend sec. 69, page 39, line 15, by deleting "5." and inserting "~~[5.]~~ *6.*".

Amend sec. 70, page 39, by deleting lines 34 through 36 and inserting: "in a timely manner each required annual list; and

(2) A fee of $200 for reinstatement.".

Amend sec. 70, page 39, by deleting line 43 and inserting: "~~copies of the~~] *a* certificate of reinstatement ~~[.]~~ *if the limited-liability company:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.".

Amend the bill as a whole by adding a new section designated sec. 70.5, following sec. 70, to read as follows:

"Sec. 70.5. NRS 86.278 is hereby amended to read as follows:

86.278 1. Except as otherwise provided in subsection 2, if a limited-liability company applies to reinstate its charter but its name has been legally acquired or reserved by any other artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the company shall submit in writing to the Secretary of State some other name under which it desires its existence to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall ~~[issue to the applying]~~ *reinstate the* limited-liability company ~~[a certificate of reinstatement]~~ under that new name.

2. If the applying limited-liability company submits the written, acknowledged consent of the artificial person having the name, or the person reserving the name, which is not distinguishable from the old name of the applying company or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name or any combination of these.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.".

Amend sec. 73 page 40, by deleting lines 34 through 40 and inserting:

"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*

(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and

(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".

Amend sec. 74, page 41, line 13, by deleting "*street*".

Amend sec. 79, page 43, by deleting lines 23 through 29 and inserting: "*business was forfeited; and*

(2) A fee of $200 for reinstatement.

2. When the Secretary of State reinstates the foreign limited-liability partnership, he shall issue to the foreign limited-liability partnership a certificate of reinstatement if the foreign limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.".

Amend sec. 80, page 44, by deleting lines 5 through 7 and inserting: "*reserved or otherwise on file, the Secretary of State shall reinstate the foreign limited-liability partnership under that new name.*".

Amend sec. 81, page 45, by deleting lines 20 and 21 and inserting: "*company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and*".

Amend the bill as a whole by adding a new section designated sec. 81.5, following sec. 81, to read as follows:

"Sec. 81.5. NRS 87.455 is hereby amended to read as follows:

87.455 1. Except as otherwise provided in subsection 2, if a registered limited-liability partnership applies to reinstate its right to transact business but its name has been legally acquired by any other artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the applying registered limited-liability partnership shall submit in writing to the Secretary of State some other name under which it desires its right to transact business to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall ~~[issue to the applying]~~ *reinstate the* registered limited-liability partnership ~~[a certificate of reinstatement]~~ under that new name.

2. If the applying registered limited-liability partnership submits the written, acknowledged consent of the artificial person having the name, or the person who has reserved the name, that is not distinguishable from the old name of the applying registered limited-liability partnership or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination of these.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.".

Amend sec. 84, page 48, by deleting lines 6 through 12 and inserting:

"2. *Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a registered limited-liability partnership which is a unit-owners' association as defined in NRS 116.110315 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the registered limited-liability partnership to be in default. If, after the registered limited-liability partnership is deemed to be in default, the Administrator notifies the Secretary of State that the registered limited-liability*".

Amend sec. 85, page 49, by deleting lines 16 through 27 and inserting: "and

(3) A reinstatement fee of $200.

2. ~~[Upon reinstatement of a certificate of registration pursuant to this section,]~~ *When* the Secretary of State *reinstates the registered limited-liability partnership, he* shall ~~[:~~

~~(a) Deliver to the registered limited liability partnership a certificate of reinstatement authorizing it to transact business retroactively from the date the fee required by NRS 87.510 was due; and~~

~~(b) Upon request,~~ issue to the registered limited-liability partnership ~~[one or more certified copies of the]~~ *a* certificate of reinstatement ~~[.]~~ *if the registered limited-liability partnership:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.".

Amend sec. 88 page 50, by deleting lines 21 through 27 and inserting:

"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*

(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and

(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".

Amend sec. 89, page 51, line 1, by deleting "*street*".

Amend sec. 94, page 53, by deleting lines 6 through 12 and inserting: "*business was forfeited; and*

(2) A fee of $200 for reinstatement.

2. When the Secretary of State reinstates the foreign limited partnership, he shall issue to the foreign limited partnership a certificate of reinstatement if the foreign limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.".

Amend sec. 95, page 53, by deleting lines 32 and 33 and inserting: "*otherwise on file, the Secretary of State shall reinstate the foreign limited partnership under*".

Amend sec. 96, page 55, by deleting line 6 and inserting: "*a bank, savings and loan association or thrift company; and*".

Amend sec. 97, page 56, by deleting lines 18 and 19 and inserting: "on file, the Secretary of State shall ~~[issue to the applying]~~ *reinstate the* limited partnership ~~[a certificate of reinstatement]~~ under that new name.".

Amend sec. 100, page 57, line 19, by deleting "street" and inserting "~~[street]~~".

Amend sec. 101, page 58, by deleting lines 21 through 26 and inserting:

"3. *Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a limited partnership which is a unit-owners' association as defined in NRS 116.110315 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the limited partnership to be in default. If, after the limited partnership is deemed to be in default, the Administrator notifies the Secretary of State that the limited*".

Amend sec. 102, page 59, by deleting lines 3 through 7 and inserting:

"2. Immediately after the first day of the first anniversary of the month following the month in which filing was required, the certificate of the limited partnership is revoked.

3. The Secretary of State".

Amend sec. 102, page 59, line 11, by deleting "*3.*" and inserting "*4.*".

Amend sec. 102, page 59, line 13, by deleting "*2*" and inserting "*3*".

Amend sec. 102, page 59, line 19, by deleting "*4.*" and inserting "*5.*".

Amend sec. 103, page 59, by deleting lines 40 through 43 and inserting: "revoked, and a fee of $200 for reinstatement.

2. When ~~[payment is made and]~~ the Secretary of State reinstates the limited partnership *,* ~~[to its former rights,]~~ he shall ~~[:~~.".

Amend sec. 103, page 60, by deleting line 5 and inserting: "~~certified copies of the]~~ *a* certificate of reinstatement ~~[.]~~ *if the limited partnership:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.".

Amend sec. 106, page 60, by deleting lines 37 through 43 and inserting:

"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*

(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and

(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".

Amend sec. 107, page 61, line 17, by deleting "*street*".

Amend sec. 111, page 62, line 44, by deleting "*corporations*" and inserting: "*foreign business trusts*".

Amend sec. 112, page 63, by deleting lines 20 through 26 and inserting: "*transact business was forfeited; and*

(2) A fee of $200 for reinstatement.

2. When the Secretary of State reinstates the foreign business trust, he shall issue to the foreign business trust a certificate of reinstatement if the foreign business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.".

Amend sec. 113, page 64, by deleting lines 2 and 3 and inserting: "*the Secretary of State shall reinstate the foreign business trust under that new name.*".

Amend the bill as a whole by deleting sec. 114 and inserting:

"Sec. 114. (Deleted by amendment.)".

Amend sec. 120, page 66, by deleting lines 39 through 44 and inserting:

"2. Immediately after the first day of the first anniversary of the month following the month in which the filing was required, the certificate of trust of the business trust is revoked and its right to transact business is forfeited.

3. The Secretary of State".

Amend sec. 120, page 67, line 3, by deleting "*3.*" and inserting "*4.*".

Amend sec. 120, page 67, line 5, by deleting "*2*" and inserting "*3*".

Amend sec. 120, page 67, line 12, by deleting "4." and inserting "~~[4.]~~ *5.*".

Amend sec. 121, page 67, by deleting lines 32 through 34 and inserting: "of trust was revoked; and

(2) A fee of $200 for reinstatement.".

Amend sec. 121, page 67, by deleting line 41 and inserting: "~~certified copies of the~~] *a* certificate of reinstatement ~~[.]~~ *if the business trust:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection NRS 88A.900.".

Amend sec. 121, page 68, line 3, by deleting "*charter*" and inserting "*certificate*".

Amend the bill as a whole by adding a new section designated sec. 121.5, following sec. 121, to read as follows:

"Sec. 121.5. NRS 88A.660 is hereby amended to read as follows:

88A.660 1. Except as otherwise provided in subsection 2, if a certificate of trust is revoked pursuant to the provisions of this chapter and the name of the business trust has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the business trust shall submit in writing to the Secretary of State some other name under which it desires to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall ~~[issue to]~~ *reinstate* the business trust ~~[a certificate of reinstatement]~~ under that new name.

2. If the defaulting business trust submits the written, acknowledged consent of the artificial person using a name, or the person who has reserved a name, which is not distinguishable from the old name of the business trust or a new name it has submitted, it may be reinstated under that name.".

Amend sec. 124, pages 68 and 69, by deleting lines 44 and 45 on page 68 and lines 1 through 5 on page 69 and inserting:

"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*

(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and

(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".

Amend sec. 125, page 69, by deleting line 19 and inserting:

"(b) The names and ~~[post office boxes or street]~~ addresses, either".

Amend the bill as a whole by adding new sections designated sections 125.3 through 125.7, following sec. 125, to read as follows:

"Sec. 125.3. NRS 89.250 is hereby amended to read as follows:

89.250 1. Except as otherwise provided in subsection 2, a professional association shall, on or before the ~~[first]~~ *last* day of the ~~[second]~~ *first* month after the filing of its articles of association with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the Secretary of State showing the names and ~~[residence]~~ addresses *, either residence or business,* of all members and employees in the *professional*

association and certifying that all members and employees are licensed to render professional service in this state.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, on or before the ~~[first]~~ *last* day of the ~~[second]~~ *first* month after the filing of its articles of association with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the Secretary of State:

(a) Showing the names and ~~[residence]~~ addresses *, either residence or business,* of all members and employees of the *professional* association who are licensed or otherwise authorized by law to render professional service in this state;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this state; and

(c) Certifying that all members who are not licensed to render professional service in this state do not render professional service on behalf of the *professional* association except as authorized by law.

3. Each statement filed pursuant to this section must be:

(a) Made on a form prescribed by the Secretary of State and must not contain any fiscal or other information except that expressly called for by this section.

(b) Signed by the chief executive officer of the *professional* association.

(c) Accompanied by a declaration under penalty of perjury that the professional association ~~[has]~~ *:*

(1) Has complied with the provisions of chapter 364A of NRS ~~[.]~~ *; and*

(2) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial statement required by this section, the *professional* association shall pay to the Secretary of State a fee of $165.

(b) Each annual statement required by this section, the *professional* association shall pay to the Secretary of State a fee of $85.

5. As used in this section, "signed" means to have executed or adopted a name, word or mark, including, without limitation, an electronic signature as defined in NRS 719.100, with the present intention to authenticate a document.

Sec. 125.5. NRS 89.254 is hereby amended to read as follows:

89.254 1. The Secretary of State shall ~~[notify by letter]~~ *provide written notice to* each professional association which is in default pursuant to the provisions of NRS 89.252. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

(b) At the request of the professional association, may be provided electronically.

2. On the first day of the ~~[ninth]~~ *first anniversary of the* month following the month in which the filing was required, the articles of association of the professional association is revoked and its right to transact business is forfeited.

3. The Secretary of State shall compile a complete list containing the names of all professional associations whose right to ~~[do]~~ *transact* business has been forfeited.

4. The Secretary of State shall forthwith notify each ~~[such]~~ *professional* association *specified in subsection 3* by ~~[letter]~~ *providing written notice* of the forfeiture of its right to transact business. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

~~[4.]~~ *(b) At the request of the professional association, may be provided electronically.*

5. If the articles of association of a professional association are revoked and the right to transact business is forfeited, all the property and assets of the defaulting *professional* association must be held in trust by its members, as for insolvent corporations, and the same proceedings may be had with respect to its property and assets as apply to insolvent corporations. Any interested person may institute proceedings at any time after a forfeiture has been declared, but if the Secretary of State reinstates the articles of association the proceedings must be dismissed and all property restored to the members of the professional association.

~~[5.]~~ *6.* If the assets of the *professional* association are distributed, they must be applied to:

(a) The payment of the filing fee, penalties and costs due to the State; and

(b) The payment of the creditors of the *professional* association.

Any balance remaining must be distributed as set forth in the articles of association or, if no such provisions exist, among the members of the *professional* association.

Sec. 125.7. NRS 89.256 is hereby amended to read as follows:

89.256 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any professional association which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this state and exercise its privileges and immunities if it:

(a) Files with the Secretary of State the statement and certification required by NRS 89.250; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 89.250 and 89.252 for each year or portion thereof during which the articles of association have been revoked; and

(2) A fee of $200 for reinstatement.

2. When the Secretary of State reinstates the *professional* association , ~~[to its former rights,]~~ he shall ~~[:~~

~~(a) Immediately issue and deliver to the association a certificate of reinstatement authorizing it to transact business, as if the fees had been paid when due; and~~

~~(b) Upon demand,]~~ issue to the *professional* association a ~~[certified copy of the]~~ certificate of reinstatement ~~[.]~~ *if the professional association:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.".

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the *professional* association's articles of association occurred only by reason of its failure to pay the fees and penalties.

4. If the articles of association of a professional association have been revoked pursuant to the provisions of this chapter and have remained revoked for 10 consecutive years, the articles must not be reinstated.".

Amend sec. 126, page 70, by deleting lines 9 through 15 and inserting:

"*3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is filed with the form:*

(a) The Secretary of State may determine whether to file or reject the document based on the information on the prescribed form; and

(b) Unless otherwise provided in the document, the provisions of the document control in any other situation.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 323, 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

ELLEN KOIVISTO, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 323, 395, and 504 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 323.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 248.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 through 9 as sections 1 through 7.

Amend sec. 3, page 2, by deleting lines 10 through 24 and inserting:

"*1. The Board shall establish minimum continuing education requirements concerning the care of persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, for each person who is:*

(a) Employed by a facility for skilled nursing, facility for intermediate care or residential facility for groups which provides care to persons with any form of dementia; and

(b) Licensed or certified by an occupational licensing board.

2. In establishing continuing education requirements pursuant to subsection 1, the Board shall consider any other educational requirements imposed on such employees to ensure that the continuing education requirements established by the Board do not duplicate or conflict with the existing educational requirements imposed on those employees.

3. The administrator of a facility for skilled nursing, facility for intermediate care or residential facility for groups which provides care to persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, shall ensure that each employee of the facility who is required to comply with the requirements for continuing education established by the Board pursuant to this section complies with such requirements.".

Amend sec. 4, page 2, line 27, by deleting "*3*" and inserting "*1*".

Amend sec. 5, page 2, line 43, by deleting "*3*" and inserting "*1*".

Amend sec. 5, page 3, line 3, by deleting "*3*" and inserting "*1*".

Amend sec. 6, page 3, line 43, by deleting "*3*" and inserting "*1*".

Amend sec. 6, page 4, line 25, by deleting "*3*" and inserting "*1*".

Amend sec. 7, page 5, line 5, by deleting "*3*" and inserting "*1*".

Amend sec. 8, page 5, line 23, by deleting "*3*" and inserting "*1*".

Amend sec. 9, page 5, line 35, by deleting "*3*" and inserting "*1*".

Amend the bill as a whole by deleting sec. 10, renumbering sec. 11 as sec. 9 and adding a new section designated sec. 8, following sec. 9, to read as follows:

"Sec. 8. 1. The Department of Human Resources shall develop a plan for increasing the number of beds in this state that are used to provide long-term care to persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease. The plan must include

various methods for increasing the number of such beds, including, without limitation:

(a) Changing the rate at which Medicaid reimburses facilities for providing long-term care to persons with any form of dementia;

(b) The use of financial policies and incentives to encourage and facilitate the development and creation of such beds; and

(c) The use or modification of existing public and private facilities in this state for providing long-term care to persons with any form of dementia.

2. The Department of Human Resources shall submit the plan to the Interim Finance Committee and the Legislative Committee on Health Care on or before June 30, 2004.".

Amend sec. 11, page 6, line 8, by deleting "7" and inserting "5".

Amend sec. 11, page 6, line 19, by deleting "8" and inserting "6".

Amend the title of the bill to read as follows:

"AN ACT relating to health care; requiring certain employees of facilities for long-term care to receive education in the care of persons with dementia; requiring the Department of Human Resources to develop a plan for increasing the number of beds in this state that are used to provide long-term care to persons with dementia; and providing other matters properly relating thereto.".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 245.

Amend sec. 3, page 1, by deleting lines 9 through 11 and inserting: "*ascribed to it in NRS 449.0038, but does not include:*

1. A facility which meets the requirements of a general or any other special hospital pursuant to chapter 449 of NRS; or

2. A facility for intermediate care which limits its care and treatment to those persons who are mentally retarded or who have conditions related to mental retardation.".

Amend sec. 8, page 3, by deleting lines 2 through 14 and inserting: "*to Increase the Quality of Nursing Care, and must be expended, to the extent authorized by federal law, to obtain federal financial participation in the Medicaid Program, and in the manner set forth in subsection 4.*

4. Expenditures from the Fund to Increase the Quality of Nursing Care must be used only:

(a) To increase the rates paid to nursing facilities for providing services pursuant to the Medicaid Program and may not be used to replace existing

state expenditures paid to nursing facilities for providing services pursuant to the Medicaid Program; and

(b) To administer the provisions of sections 2 to 9, inclusive, of this act. The amount expended pursuant to this paragraph must not exceed 1 percent of the money received from the fees assessed pursuant to sections 2 to 9, inclusive, of this act, and must not exceed the amount authorized for expenditure by the Legislature for administrative expenses in a fiscal year.".

Amend the title of the bill, by deleting the second line and inserting: "fee on certain facilities for intermediate care and on facilities for".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for assessment of fee on certain facilities for intermediate care and on facilities for skilled nursing. (BDR 38-999)".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 504.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 316.

Amend section 1, pages 1 and 2, by deleting lines 3 through 11 on page 1 and lines 1 through 14 on page 2, and inserting:

"*1. The Director shall apply to the Federal Government for a Medicaid waiver to extend coverage for prescription drugs and pharmaceutical services to persons 65 years of age or older who are eligible for Medicare, who are not eligible for Medicaid and whose incomes are not more than 200 percent of the federally designated level signifying poverty. The Director may apply to the Federal Government for a Medicaid waiver to extend coverage for prescription drugs and pharmaceutical services to persons with disabilities who are eligible for Medicare, who are not eligible for Medicaid and whose incomes are not more than 200 percent of the federally designated level signifying poverty.*

2. The Director shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a Medicaid waiver pursuant to this section, including, without limitation:

(a) Providing any necessary information requested by the Federal Government in a timely manner;

(b) Responding promptly and thoroughly to any questions or concerns of the Federal Government concerning the application; and

(c) Working with the Federal Government to amend any necessary provisions of the application to satisfy the requirements for approval of the application.

3. If the Federal Government approves a Medicaid waiver which the Director was required to apply for pursuant to subsection 1, the Director, through the Division of Health Care Financing and Policy, shall amend the State Plan for Medicaid to establish a program in accordance with the waiver. The Director may, to the extent authorized by the Federal Government, include in the program persons with disabilities.

4. The Director may:

(a) Administer a program established pursuant to this section through the Division of Health Care Financing and Policy; or

(b) Hire a pharmacy benefits manager by contract to administer a program established pursuant to this section.

5. Not more than 8 percent of the money received by the Department to implement a program established pursuant to this section may be used for administrative expenses or other indirect costs.

6. The Director shall submit a quarterly report concerning a program established pursuant to this section to the Interim Finance Committee and the Legislative Committee on Health Care.

7. As used in this section, "Medicare" has the meaning ascribed to it in NRS 439B.130.".

Amend sec. 5, page 4, line 26, by deleting *"the*" and inserting "*any*".

Amend sec. 5, page 4, line 32, by deleting *"the*" and inserting "*any*".

Amend sec. 5, page 4, line 36, by deleting *"the*" and inserting "*any*".

Amend sec. 5, page 6, line 27, by deleting *"the*" and inserting "*any*".

Amend the title of the bill, second line, after "Resources" by inserting*: "to apply to the Federal Government"*.

Amend the summary of the bill to read as follows:

"SUMMARY—*Requires Department of Human Resources to apply to Federal Government to establish program to extend coverage for prescription drugs and pharmaceutical services to certain persons under certain circumstances. (BDR 38-1207)"*.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Assemblywoman Koivisto moved that upon return from the printer Assembly Bill No. 504 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Assembly Bill No. 349 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 293 be taken from the General and placed on the Chief Clerk's desk.

Motion carried.

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

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:35 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 2.

Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Assembly Bill No. 2:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 2 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 23.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 23:

YEAS—36.

NAYS—Andonov, Carpenter, Claborn—3.

NOT VOTING—Gustavson.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 23 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 56.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 56:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 56 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 84.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 84:

YEAS—36.

NAYS—Geddes, Goicoechea, Griffin, Parks—4.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 84 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 230.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 230:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 230 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblymen Perkins, Brown, Horne, and Carpenter.

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

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker pro Tempore. Assembly Bill 250 sets forth legislative findings and declarations concerning terrorist events and the intent of the Legislature to strengthen the State's laws to provide protection from acts of terrorism while protecting the Constitutional rights of its residents. The bill provides that any person who commits a felony with the intent to cause, aid, further, or conceal an act of terrorism must be punished by a prison term equal to, and in addition to, the term for the underlying crime. If such a felony results in death or substantial bodily harm, in lieu of additional term of imprisonment, the felony is deemed to be a category A felony punishable by life in prison, with or without the possibility of parole, for a definite term of 50 years. The bill also provides that a first-degree murder includes murder committed in perpetration, or attempted perpetration, of an act of terrorism. It further specifies that knowingly, or intentionally committing, or concealing an act of terrorism, assisting another person to commit an act of terrorism, or providing material support to commit an act of terrorism, or to aid a terrorist, is a category A felony. It expands existing prohibitions concerning the development and possession of biological agents and other toxins to include other lethal chemical or radioactive agents. Finally, Mr. Speaker pro Tempore, the bill requires resort hotels adopt and maintain emergency response plans that must be filed with local fire departments, law enforcement agencies, and the Division of Emergency Management of the Department of Public Safety.

There has been a lot of discussion about this bill and similar bills in the Legislature. A few concerns have been raised. I want to let the Body know what this bill does not do. The bill does not take away your civil rights. In fact, this Legislature could not do that any more than it could with any other bill. It reminded me a little of when we first passed the stalking statute in our state. Stalking, as defined, is when a person, who without lawful authority, willfully or

maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, or harassed, and that actually causes a person to feel terrorized, frightened, intimidated, or harassed. We debated that at great length, because the crime of stalking was in the thought of the person being stalked. The concern was this was going to be overused by the criminal justice system and how we would really define the crime of stalking. I would submit to you that it has been used very well and it has, in my estimation, kept a number of violent crimes from occurring.

This bill also does not affect civil disobedience. If you recall, yesterday we amended Section 7 to reinforce that concept. While I don't condone breaking the law in any fashion, I believe it is not only all right, but our duty, to question our government. Those who do this through civil disobedience are not terrorists. It doesn't make terrorists out of street gangs. We had law enforcement confirmation of that during the testimony in the Committee on Judiciary. Why do we need this bill? Our post-9/11 world is different. It is not our fault, rather the fault of those who did the unthinkable.

I have had the privilege of serving on the NCSL Task Force for the Protection of Democracy for the last year and a half. I have visited with many of our colleagues from across the country. Nevada Legislature's meeting every other year has had the benefit of watching other states have this same debate and craft their antiterror laws. We have actually borrowed some of the best and most careful language that they have used in those states. In fact, if you look at Section 1 of the bill, a lot of the Constitutional rights and civil rights protection we borrowed from the state of Washington. Having participated in the Las Vegas Valley's response on 9/11, I can tell you that we are as safe a place as there is in the world, but we cannot afford any slippage. You should all have a copy on your desk of the Wall Street Journal, from a few weeks ago, that talks about how those who are planning their summer vacations are fashioning them to be in a place they feel is safe. If they don't think Nevada is going to be a safe place, then they won't choose to come to Nevada. You all know what kind of effect that would have on our economy. We also know that Las Vegas is a particularly high-profile target, as safe as it is. There is another article that talks about a terrorist cell whose members were arrested in Detroit who had initially planned on striking the Las Vegas area.

Mr. Speaker pro Tempore, some have said we are taking away the civil rights of our citizens. As I have mentioned before, nothing we can do in the Legislature can take away the civil rights of the citizens of our state that are guaranteed to us by the Constitution of the United States and guaranteed to us by the Constitution of the State of Nevada. The United States Constitutional Bill of Rights was extended to the states when the Fourteenth Amendment was ratified in 1868, and rightfully so.

Over 19 years ago I took my first oath to support, protect, and uphold the Constitution of the United States and the Constitution of the State of Nevada, when I first started my law enforcement career. I have repeated that oath six times in these Chambers. I believe that I am faithful to that oath in supporting this bill. The Constitution is not an obstacle in our pathway in this Legislature. The Constitution is our pathway. As I finish, I offer my thanks to our colleague from southern Nevada and his staff, who worked diligently to address concerns in the bill and putting together amendments, to craft what I feel is a good bill. Thank you.

ASSEMBLYMAN BROWN:

Thank you, Mr. Speaker pro Tempore. I rise in support of Assembly Bill 250. This concept was something that I started looking at, probably as everyone else in this room did, prior to the session. I started looking at some of the language that was out there and, in committee, I felt the center of this universe was the definition of an act of terrorism. It was critical. My position was the state of Nevada cannot get this wrong. It has to get the language right. We were looking at some other patterns of other states, which, frankly, I felt had not gotten it right. I think, looking at the definition that now exists in A.B. 250, we got it right. I am greatly encouraged and I was pleased with the work that Chairman Anderson and the Committee on Judiciary put into this, as well as the Speaker. I fully support the bill as it is. The civil rights that are so important to us, I believe, are maintained in this bill and so it has my support. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Mr. Speaker pro Tempore. I rise in support of A.B. 250. A number of you have come to me and asked me if I were comfortable with these amendments and with this bill in its present form. I tell you that I am. As many of you know, I was given the privilege, by the Chairman of Judiciary and the Speaker, to work on this bill. Their explicit instructions were to make sure that the protections that everyone was concerned about were addressed in this bill, and that we didn't trample on civil rights. I believe that we accomplished that in the Committee on Judiciary and I urge your support.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker pro Tempore. I rise in support of A.B. 250. I think that we are all concerned about our civil rights and our right to demonstrate. With the amendments that have been put into this bill, my right, and the right of anyone else who wants to go with me, to go to Jarbidge again, will be able to do that. Thank you.

Roll call on Assembly Bill No. 250:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 250 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 289.

Amend the bill as a whole by deleting sections 1 through 25 and the text of repealed sections and adding new sections designated sections 1 through 7 and the text of repealed sections, following the enacting clause, to read as follows:

"Section 1. Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A barber who engages in the practice of barbering in a cosmetological establishment shall display his license in plain view of the public at the position where he performs his work.

2. The provisions of chapter 643 of NRS, except the provisions relating to the licensing of a barber, do not apply to a cosmetological establishment in which a barber engages in the practice of barbering pursuant to this section.

3. As used in this section, "practice of barbering" has the meaning ascribed to it in NRS 643.010.

Sec. 2. NRS 644.023 is hereby amended to read as follows:

644.023 "Cosmetologist" means a person who engages in the practices of:

1. Cleansing, stimulating or massaging the scalp or cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics,

lotions or creams. *The term does not include a person whose tasks are solely limited to:*

(a) Cleansing, stimulating or massaging the scalp of a customer with shampoo, conditioner or lotion;

(b) Removing foils or rollers from the hair of a customer; and

(c) Rinsing the hair of a customer.

2. Cutting, trimming or shaping the hair.

3. Arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring or straightening the hair of any person with the hands, mechanical or electrical apparatus or appliances, or by other means, or similar work incident to or necessary for the proper carrying on of the practice or occupation provided by the terms of this chapter.

4. Removing superfluous hair from the surface of the body of any person by the use of electrolysis where the growth is a blemish, or by the use of depilatories, waxing or tweezers, except for the permanent removal of hair with needles.

5. Manicuring the nails of any person.

6. Beautifying, massaging, stimulating or cleansing the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or any device, electrical or otherwise, for the care of the skin.

7. Giving facials or skin care or applying cosmetics or eyelashes to any person.

Sec. 3. NRS 644.193 is hereby amended to read as follows:

644.193 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his education;

(b) Has practiced as a full-time licensed cosmetologist, aesthetician or manicurist for ~~[3 years]~~ *1 year* and submits written verification of his experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits two current photographs of himself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than $25 nor more than $40 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 4. NRS 644.360 is hereby amended to read as follows:

644.360 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display the license in plain view of members of the general public in the principal office or place of business of the holder.

2. The operator of a cosmetological establishment shall lease space to or employ only licensed manicurists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists at his establishment to provide cosmetological services. *This subsection does not prohibit an operator of a cosmetological establishment from leasing space to or employing a barber.*

Sec. 5. NRS 644.375 is hereby amended to read as follows:

644.375 ~~[Any food]~~ *Food* or beverages ~~[that are sold]~~ for immediate consumption *may be sold* in a cosmetological establishment . ~~[must be sold in an area of the cosmetological establishment which is sufficiently separated from the area of the cosmetological establishment where cosmetological services are provided.]~~

Sec. 6. NRS 644.400 is hereby amended to read as follows:

644.400 1. A school of cosmetology must at all times be under the immediate supervision of a licensed instructor who has had practical experience of at least 1 year in the practice of a majority of the branches of cosmetology in an established place of business.

2. A school of cosmetology shall:

(a) Maintain a school term of not less than 1,800 hours extending over a period of not ~~[less than 10 months nor]~~ more than ~~[24]~~ *36* months, and maintain a course of practical training and technical instruction equal to the requirements for examination for a license as a cosmetologist.

(b) Maintain apparatus and equipment sufficient to teach all the subjects of its curriculum.

(c) Keep a daily record of the attendance of each student, a record devoted to the different practices, establish grades and hold examinations before issuing diplomas. These records must be submitted to the Board pursuant to its regulations.

(d) Include in its curriculum a course of deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

(e) Arrange the courses devoted to each branch or practice of cosmetology as the Board may from time to time adopt as the course to be followed by the schools.

(f) Not allow any student to perform services on the public for more than 7 hours in any day . ~~[nor for more than 5 days out of every 7.]~~

(g) Conduct at least 5 hours of instruction in theory in each 40-hour week or 6 hours of instruction in theory in each 48-hour week, which must be attended by all registered students.

(h) Require that all work by students be done on the basis of rotation.

Sec. 7. NRS 644.425 and 644.477 are hereby repealed.

TEXT OF REPEALED SECTIONS

644.425 Temporary educational permit; unlawful acts.

1. The Board may grant a temporary educational permit authorizing a current licensee within the scope of his license to conduct demonstrations and exhibitions, temporarily and primarily for educational purposes, of techniques for the benefit and instruction of cosmetologists, hair designers, aestheticians, electrologists and manicurists licensed pursuant to this chapter, and electrologists' apprentices, cosmetologists' apprentices and students enrolled in licensed schools of cosmetology.

2. The permit must specify the purpose for which it is granted, the period during which the person is permitted to conduct the demonstrations and exhibitions, which may not exceed 10 days, and the time and place of exercising the privilege granted by the permit.

3. A person may be granted a temporary educational permit only if he:

(a) Applies to the Board for the permit;

(b) Demonstrates to the satisfaction of the Board that the permit is sought primarily for educational purposes; and

(c) Pays a fee of not less than $10 and not more than $25.

Except for schools licensed pursuant to this chapter, an application for a permit must be submitted at least 10 days before the date of the demonstration or exhibit.

4. It is unlawful:

(a) For any person to conduct a demonstration or exhibition without a permit.

(b) For any person who is granted a permit to allow persons other than cosmetologists, hair designers, aestheticians, electrologists and manicurists licensed pursuant to this chapter, and electrologists' apprentices, cosmetologists' apprentices and students enrolled in licensed schools of cosmetology to attend any demonstration or exhibition made or given by him.

644.477 Unlawful to practice any other profession in cosmetological establishment. It is unlawful for the operator of a cosmetological establishment to practice or allow the practice of any profession other than cosmetology in that establishment.".

Amend the title of the bill to read as follows:

"AN ACT relating to cosmetology; requiring a barber who engages in the practice of barbering in a cosmetological establishment to display his license in plain view of the public at the position where he performs his work; revising the definition of the term "cosmetologist" for the purpose of licensing the practice of cosmetology; revising the requirements for the issuance of a provisional license as an instructor; revising the requirements governing the hours of work of a student in a school of cosmetology; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 288.
Bill read third time.
Remarks by Assemblyman Oceguera.
Roll call on Assembly Bill No. 288:
YEAS—40.
NAYS—None.
EXCUSED—Gibbons, Ohrenschall—2.
Assembly Bill No. 288 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 301.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 301:
YEAS—39.
NAYS—Horne.
EXCUSED—Gibbons, Ohrenschall—2.
Assembly Bill No. 301 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 365.
Bill read third time.
Remarks by Assemblywoman Buckley.
Roll call on Assembly Bill No. 365:
YEAS—40.
NAYS—None.
EXCUSED—Gibbons, Ohrenschall—2.
Assembly Bill No. 365 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 388.
Bill read third time.
Remarks by Assemblywoman Koivisto.
Roll call on Assembly Bill No. 388:
YEAS—40.
NAYS—None.
EXCUSED—Gibbons, Ohrenschall—2.
Assembly Bill No. 388 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 433.
Bill read third time.

Remarks by Assemblyman Brown.

Roll call on Assembly Bill No. 433:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 433 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 451.

Bill read third time.

The following amendment was proposed by Assemblyman Hettrick:

Amendment No. 449.

Amend section 1, page 2, by deleting lines 26 through 28 and inserting: "*person specified in paragraph (a) of subsection 1 demonstrates that he has*".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblymen Hettrick and Oceguera.

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

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker pro Tempore. Assembly Bill 451 intends to expand or confirm cancer coverage for firefighters in the state of Nevada. I do not have a problem with the attempt to do that. The purpose of this amendment is to add volunteer firefighters to that coverage. It appears to me that if we expand this coverage to people who are willing to risk their lives to fight fires, it should apply to those who do that exact same thing and do it for free. In my county this is of particular concern because the bulk of our entire fighting force are volunteers. They risk their lives, their incomes, and their futures, daily, fighting fires for us. I believe this is a fairness issue and I believe it is appropriate that we should expand this coverage.

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Speaker pro Tempore. I rise in opposition to Amendment 449, not because I don't support our volunteer firefighters; I certainly do. My colleague from Douglas County is absolutely correct regarding the job they do. There are a couple of differences though. One is that they don't have the physical examinations that we are required to have annually, which allows the early discovery of the problems that we are discussing in this bill, enabling an earlier start of treatment. The existing statute already covers volunteer firefighters in NRS 617.453. I would also like to point out to the membership most paid departments have a policy that you cannot use tobacco products, on or off the job. Wellness and fitness programs are also offered. Lastly, there is a decreased risk of exposure. I run about 14,000 calls a year, and some volunteers run about 200. The risk is lower.

Amendment lost on a division of the House.

Remarks by Assemblymen Oceguera, Hettrick, Buckley, Knecht, Goldwater, and Perkins.

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

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Speaker pro Tempore. Assembly Bill 451 is attempting to clarify the provisions regarding cancers and occupational disease for firemen by outlining specific types of

cancer for which a full-time salaried fireman, having demonstrated that he was exposed to certain carcinogens while in the course of employment, may receive industrial insurance benefits. This bill does not create a presumptive conclusion. I urge your support.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker pro Tempore. I rise to inform the Body, that while I don't disagree with the intent of this bill, it doesn't cover the volunteers. I voted no in committee and I will vote no again here.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. I rise in support of Assembly Bill 451. The testimony on this Bill was very persuasive. We have firefighters who put their lives on the line to protect all of us, and are exposed to dangerous chemicals, which cause these very specific cancers. It was very distressing to learn in committee that in some very egregious cases firefighters are dying of cancer due to their exposure to these chemicals and that some of the insurance companies and self-insured companies go shopping for opinions so that they can deny the claim. We heard testimony from a physician saying he had reviewed a file where it was very clear that the cancer was caused by chemicals and had recommended payment, but the claim was denied. It is hard to fathom that such a system is allowed to proceed. While I certainly would like to see this expanded to volunteers, and perhaps our Minority Leader can bring such a bill forward next session, it was determined that the fiscal note would have killed the protections for our paid firefighters this session. I listened to the firefighter who testified in favor of this bill, and who had lost his hair due to his treatment and probably will not be around to see next session, and when I saw what he has gone through because he put his life on the line for us, it made it clear to me that this was a great bill to support.

ASSEMBLYMAN KNECHT:

Thank you, Mr. Speaker pro Tempore. I rise to announce, as I did in committee, I will vote no on this bill for its failure to cover the volunteers. I agree that otherwise it is a great bill. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker pro Tempore. I rise in strong support of A.B. 451 and would like to associate myself with the remarks of the Majority Leader. Testimony on this bill was shocking. It was shocking because we are dealing with a Workers' Compensation System that is intended to be a no-fault system, which covers people and indemnifies them because of their losses on the job. It has turned into a system of "cat and mouse," where claims are denied and claimants have to fight a war of attrition, and maybe, if they make it in the end, they get covered, but not without the expense of their own time and money and a lot of frustration. It is worthwhile also, as Chair of the Committee, to commend the sponsor of this provision, the Assemblyman from Clark County, in his passionate, thorough, and worthwhile presentation of this bill. I urge this Body to consider it.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker pro Tempore. I too rise in support of A.B. 451. There are a handful of our citizens that we ask to place themselves in harm's way in order to provide us security and public safety. They place themselves in a position where they are exposed to carcinogens and other types of harmful situations, for us to feel as safe in our societies as we do. The worst part about this bill is that it already is the law. Our colleague from Clark County had to bring this bill to further identify and define the law because there were entities not following the law. By not following the law, the entities are breaking that covenant that they had with those public safety employees, that they would have taken care of if exposed. That is why this bill had to be brought forward. Can you imagine what would have happened if, in New York City, after the collapse of the World Trade Center towers, that city had broken its covenant with all of its public safety officers? What if they had said instead, "We are not covering you. We are not taking care of you." It is abhorrent. I cannot believe we would even have to deal with a law like this. I understand the Minority Leader's position. At some point we would perhaps like to cover all volunteers as well. We don't want to create a situation where we don't have proper coverage, but

as the member from Clark County said, they are covered in other ways. I am perplexed, however, that we generally don't vote against a bill because of something it doesn't do. Oftentimes we have to take baby steps in how we approach the laws and how we get changes done. We can only get a little bit done each session at a time. There is nothing bad in this bill. There is nothing bad in this bill to vote against. For that, Mr. Speaker pro Tempore, I urge support.

Roll call on Assembly Bill No. 451:

YEAS—38.

NAYS—Hettrick, Knecht—2.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblymen Goldwater and Buckley.

Roll call on Assembly Bill No. 497:

YEAS—39.

NAYS—Hardy.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 497 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 530.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 530:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 530 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 539.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 539:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 539 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblymen Carpenter, Giunchigliani, Gustavson, Anderson, Chowning, Collins, and Horne.

Assemblymen Goldwater, Oceguera, and Manendo moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 444.

Roll call on Assembly Bill No. 444:

YEAS—25.

NAYS—Anderson, Andonov, Angle, Atkinson, Beers, Brown, Christensen, Giunchigliani, Grady, Griffin, Gustavson, Hettrick, Mabey, Mortenson, Weber—15.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 331.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 331:

YEAS—40.

NAYS—None.

EXCUSED—Gibbons, Ohrenschall—2.

Assembly Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:45 p.m.

ASSEMBLY IN SESSION

At 12:47 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Anderson moved that the vote whereby Assembly Bill No. 505 was passed be reconsidered.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 505 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 293 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 293.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Mortenson:

Amendment No. 503.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 5 and 6 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter *293* of NRS is hereby amended by adding thereto a new section to read as follows:

1. For each constitutional amendment or statewide measure proposed by initiative or referendum to be placed on the ballot by the Secretary of State, the Secretary of State shall, pursuant to subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative or referendum and the other committee must be composed of three persons who oppose approval by the voters of the initiative or referendum.

2. If the Secretary of State is unable to appoint three persons who are willing to serve on a committee, he may appoint fewer than three persons to that committee, but he must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative or referendum and the committee that opposes approval by the voters of that initiative or referendum.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative or referendum.

4. The Secretary of State shall consider appointing to a committee pursuant to this section:

(a) Any person who has expressed an interest in serving on the committee; and

(b) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative or referendum, prepare an argument either advocating or opposing approval by the voters of the initiative or referendum;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section; and

(f) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d) and (e) to the Secretary of State not later than the date prescribed by the Secretary of State pursuant to subsection 6.

6. The Secretary of State shall provide, by rule or regulation:

(a) The maximum permissible length of an argument and rebuttal prepared pursuant to this section; and

(b) The date by which an argument and rebuttal prepared pursuant to this section must be submitted by a committee to the Secretary of State.

7. Upon receipt of an argument or rebuttal prepared pursuant to this section, the Secretary of State:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative or referendum pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days after the Secretary of State rejects a statement pursuant to this subsection, the committee that prepared the statement may appeal that rejection to the Attorney General. The Attorney General shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the Attorney General shall issue his decision rejecting or accepting the statement. The decision of the Attorney General is a final decision for the purposes of judicial review.

8. The Secretary of State may revise the language submitted by a committee pursuant to this section so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect of the language without the consent of the committee.

Sec. 2. NRS 293.250 is hereby amended to read as follows:

293.250 1. The Secretary of State shall, in a manner consistent with the election laws of this state, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, pollbooks, registers, rosters, statements and abstracts required by the election laws of this state.

(b) The procedure to be followed when a computer is used to register voters and to keep records of registration.

2. The Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with him, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for *,* ~~[and]~~ explanation of *, arguments for and against, and rebuttals to such arguments of* each proposed constitutional amendment or statewide measure ~~[, including arguments for and against it,]~~ must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. *The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in section 1 of this act.* The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations *, arguments, rebuttals* and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 3. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot, together with the copies of the condensations, explanations *, arguments, rebuttals* and fiscal notes prepared pursuant to NRS 218.443 and 293.250 ~~[.]~~ *and section 1 of this act.*

2. Whenever feasible, he shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution, amendment or measure and its condensation, explanation, ~~[including arguments for and against it,]~~ *arguments, rebuttals* and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. If a copy is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

5. The portion of the cost of publication which is attributable to publishing the questions, explanations *, arguments, rebuttals* and fiscal notes of proposed constitutions, constitutional amendments or statewide measures is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 4. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 2, sample ballots must include:

(a) The fiscal note, as provided pursuant to NRS 218.443 or 293.250, for each proposed constitutional amendment or statewide measure;

(b) An explanation, as provided pursuant to NRS 218.443 ~~[,]~~ *or 293.250,* of each proposed constitutional amendment or statewide measure ~~[, including arguments]~~ *;*

(c) Arguments for and against ~~[it; and~~

~~(c)]~~ *each proposed constitutional amendment or statewide measure and rebuttals to each argument, as provided pursuant to NRS 218.443 or section 1 of this act; and*

(d) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. At least 10 days before any election, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 5, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

5. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

6. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

7. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

8. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter.

9. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.”.

Amend the bill as a whole by adding a new section designated sec. 7, following sec 2, to read as follows:

“Sec. 7. NRS 218.443 is hereby amended to read as follows:

218.443 1. As used in this section, “first committee of reference” means the committee to which a bill or joint resolution was first referred in the house of the Legislature into which it was introduced.

2. Upon request from the first committee of reference, the Legal, Research and Fiscal Analysis Divisions of the Legislative Counsel Bureau

shall prepare, for any proposed constitutional amendment or statewide measure which, if approved by the Legislature, would be submitted to a vote of the people:

(a) A condensation of the proposal into a question to be placed on the ballot;

(b) An explanation of the proposal, including arguments for and against ~~[it; and]~~ *the proposal;*

(c) *If the Legislature rejects a statewide measure proposed by initiative, proposes a different measure on the same subject which the Governor approves and includes the measure on the ballot with the statewide measure proposed by initiative, rebuttals to each argument for and against the proposal; and*

(d) A fiscal note for the proposal, including an explanation of any anticipated financial effects on state and local governments.

3. The condensation, explanation *, arguments, rebuttals* and fiscal note must be of reasonable length and written in easily understood language.

4. After the bill or joint resolution has been approved by both houses of the Legislature, the first committee of reference shall request the preparation of the condensation, explanation *, arguments, rebuttals* and fiscal note, if it has not already done so, and shall review the draft and approve such changes as it deems necessary.

5. The first committee of reference shall submit the condensation, explanation *, arguments, rebuttals* and fiscal note, in the form of a simple resolution, to the members of the house in which the proposed constitutional amendment or statewide measure was introduced. After that resolution is approved, it must be entered in the journal in its entirety and the enrolled resolution delivered to the Secretary of State to accompany the bill or joint resolution to which it relates.

6. If the Legislature adjourns before the procedures set forth in subsections 4 and 5 have been completed, the Legislative Commission shall review, revise and approve the condensation, explanation *, arguments, rebuttals* and fiscal note for delivery to the Secretary of State on or before July 1 of the year in which the general election is to be held.

7. In the case of a joint resolution which proposes a constitutional amendment, the condensation, explanation *, arguments, rebuttals* and fiscal note must be treated in the same manner when the proposal is before the Legislature for its second approval as when the proposal was first approved.

8. The Legislative Counsel Bureau shall distribute copies of the condensations, explanations *, arguments, rebuttals* and fiscal notes to members of the Legislature, public libraries, newspapers and broadcasters.”.

Amend the title of the bill, first line, after “elections;” by inserting:

“providing for the appointment of committees to prepare arguments for and against, and rebuttals for, certain statewide ballot questions;”.

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to ballot questions and appointment of committees to prepare arguments advocating and opposing certain ballot questions. (BDR 24-312)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:52 p.m.

ASSEMBLY IN SESSION

At 5:12 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Mr. Speaker pro Tempore appointed Assemblymen Giunchigliani and Goicoechea as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Jon Porter.

The President of the Senate and members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker pro Tempore invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker pro Tempore invited the members of the Senate to chairs in the Assembly

IN JOINT SESSION

At 5:21 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Coffin, Neal, and Townsend, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Gibbons, Goldwater, and Ohrenschall, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Tiffany and Assemblyman Griffin to wait upon Representative Porter and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Jon Porter, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Mr. Speaker pro Tempore welcomed Representative Porter and invited him to deliver his message.

Jon Porter, United States Representative, delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SECOND SESSION, 2003

Thank You, Mr. Speaker, Governor Guinn and Mrs. Guinn, Lt. Governor Hunt, Majority Leaders Raggio, and Buckley. Leaders Titus and Hettrick, Secretary of State Heller, Attorney General Sandoval, Treasurer Brian Krolicki, Controller Augustine, Members of the Court, fellow legislators, distinguished guests, my fellow Nevadans, and friends. That was the formal version. Now I would like to introduce you the way I would like, and that is, Governor, it is good to see you; Dean, Brian, Richard, Dina, thank you all very much. It is truly good to be back home. I miss you all. I can remember the last time I was here, sitting out there with you. I was bored to death wishing the speech would be over fast. Now I ask that you bear with me. I promise I won't take more than a couple of hours.

It's been 3 months and 13 days since I was sworn in as the first Congressman representing the newly created Third District of Nevada. Even though my office address has shifted a few zip codes, my code of ethics and my work ethics are still the same. The Third District Office belongs to the people of Nevada. It's your office and my door is always open to you. I encourage you to stop by and meet your staff at my office in Washington. I want to express my appreciation to my colleagues, the other members of Nevada's delegation: Senator Harry Reid, Senator John Ensign, Congressman Jim Gibbons, and Congresswoman Shelley Berkley. We may have our differences from time to time but we have one voice when it comes to Nevada. It is a great team and I am proud to be a part of it.

I would like to share just one humbling experience of my first few days in office. Finding your way through the maze of halls, hideaways, and basement corridors of Capitol Hill can be mind-boggling at times. I am sure you new members of the Legislature understand what I mean. One particular morning I was supposed to be in a briefing for Republicans. So I walked into the room and the meeting had already started. I thought, "Boy, these people are on the ball; they actually are in the room in their seats." I was so impressed. So I got a cup of coffee, sat down and started to listen to the message. A couple of moments later, I realized that something didn't sound quite right. The next thing I know this young woman walked over to me and said, "Congressman, you are in the wrong meeting. This meeting is for the Democrats. What are you doing here?" I told her that I was building bridges!

Now that I've been in office I have my committee assignments. I have the honor of serving on two committees I believe are key to Nevada's needs: The Education and Workforce Committee and the Transportation and Infrastructure Committee. My service on these committees means that I come into contact with countless Nevadans working on various projects. I must give special thanks to Mike Pieper from the Governor's Washington Office for all the work he does to help facilitate these meetings and his efforts representing Nevada's many needs.

My service in Congress brings with it an awesome responsibility that is being tested right now as we speak. For the last few months we have all been following Operation Iraqi Freedom. For months we've all suffered from the pangs of anxiety as our soldiers headed off to war. We've all been touched by the images of wives kissing their husbands goodbye and children giving daddy or mommy one more great big hug for luck. When the war started, we all gathered around our TVs and were truly breathless with the power and force of the "Shock and Awe Campaign." Just last week we witnessed the triumph of freed Iraqis as they tore down the statues of their oppressor, Saddam Hussein. And sadly, together, we've bowed our heads to pay honor to our brave heroes who gave their lives in the name of freedom.

Yesterday I hosted a town hall meeting in Henderson with Army Deputy Chief of Staff, General Richard Cody. He came out from the Pentagon to brief residents of southern Nevada on the latest on Operation Iraqi Freedom. He talked about the dedication of the troops in the field,

many of those troops offering to reenlist while they are on duty today. We must continue to support our troops. I applaud President Bush, who requested $75 billion to pay for the war. This past Saturday, Congress increased his request to $80 billion. I was there and I voted for it.

Even though I was not a member of Congress when the war resolution passed, there isn't a day that goes by that I don't personally carry the weight of responsibility for every man and woman in uniform in our military. Recently we lost two of Nevada's bravest soldiers. On Monday, I attended a memorial service at Arlington National Cemetery for First Lt. Frederick Pokorney from Nye County. A few days before I was on the phone with his adopted father Wade Lieske. Wade told me that his son was a great man and a brave soldier.

Sadly, the other day we learned about the tragic death of another brave soldier from right up the road in Sparks. Lance Cpl. Donald J. Cline, Jr., was only 21 years old. He left behind a wife and two children. Also we recently learned that three Marines from Nevada were injured in battle and our prayers go out to them. No words can express our heartfelt sorrow for all that they sacrificed in the name of freedom. No award can touch the depths of their heroism. No words can express our appreciation for their courage.

Earlier this year, Nevada's family faced another tragedy when the McCool family from my district in Las Vegas lost their son, Astronaut Commander Willie McCool, in the Columbia Shuttle disaster. Our soldiers and our astronauts are all heroes and we honor their sacrifices. It is during these sobering times that the indomitable resilience of Nevadans shines through. We rally together to support each other and our community during a crisis. That is what makes me so proud to be a Nevadan. It is the spirit of support and sacrifice that is the measure of who we are. It is the spirit of all Nevadans. On the Nevada State Seal on the door of my office in Washington, D.C., are the words, "All For Our Country." It speaks to who we are as Nevadans and as citizens. It is the best we have to offer.

This is not the first time we have faced uncertain times. I was Mayor of Boulder City when an explosion at a plant in Henderson nearly crippled our whole southern Nevada community. And more recently our entire nation's resilience was tested in the days following September 11, 2001. While the terrorists did not physically attack Nevada, the residual effects of their evil deeds nearly shut down our economy. Business owners were forced to put "closed for business" signs in their storefronts. Tens of thousands of Nevadans were out of work. But in less than two months, through planning, hard work, and working together, we turned things around. Business owners were once again putting "open for business" signs back in their windows. That is resilience.

Our unique Nevada spirit and resilience can be found again today while our nation is at war. Several businesses have answered the call to share and support families who have loved ones in the battlefield. I want to take just a moment to recognize a few of those businesses like United Parcel Service (UPS), Bank of America, Mail Boxes, Etc., MGM, and numerous other businesses, for helping donating supplies, discounts, and other items to the families who need help.

As we fight the war, we are reminded of the future needs of these brave soldiers, sailors, marines, airmen, and the needs of those who have sacrificed in the past. I cosponsored legislation to end the indefensible ban against concurrent receipt of veterans and military retirement benefits. The House has just passed legislation to lower taxes for our soldiers on active duty. I will continue to work for a new veterans' hospital for Clark County, expand and maintain our veterans' cemetery, and continue to work to ensure the success of the new veterans' home in Boulder City. Congress has funded veterans' programs at $64 billion. That is an 11 percent increase over last year, plus an additional $30 billion, a 13 percent increase for other programs. I want to see that all of America's veterans receive the recognition, the support, and the respect they deserve.

Even though Nevada is thousands of miles away from the war zone, our homeland security is a critical issue. Now more than ever we look to those men and women who will protect us day to day, our first responders. I am talking about the police officers, firefighters, and those whose daily job is security here on the home front. I invited the new chairman of the House Homeland Security Committee, Hal Rogers, to come to Nevada next month to meet with our first responders, including our state's Homeland Security Director, Jerry Bussell. I'd like to take a moment and applaud Jerry Bussell for his work. Jerry has been extremely responsive to

Congress and I can't tell you how important that is. He is doing a tremendous job keeping us informed about security issues. I thank him for his service to Nevada. As Jerry will tell you, his work has just begun. Just yesterday he brought in other Western State Homeland Security Directors to the test site and held a workshop of sorts to help with the national security efforts. To assist Jerry and other first responders with homeland security, last weekend Congress set aside nearly $7 million for Nevada's Homeland Security, which just about doubles last year's appropriations.

I would also like to extend my appreciation to members of the National Guard. Some 800 members of the Guard have been dispatched to Operation Iraqi Freedom. They have been a major part of the war. I also want to recognize the Guard's Adjutant General Giles Vanderhoof, who is here this evening. I recently visited the facilities in North Las Vegas, and I am very impressed your leadership, General. You have maintained, through the years, a professionalism that is unsurpassed. I'll add that last week we recognized General Vanderhoof and his service in the Congressional Record of the House of Representatives.

The war is on the forefront, but the economy is on everyone's mind. What will the war do to our economy? What has the war done to our economy? It's no secret we are all suffering from the current economic situation. I know that you are in the midst of a budget crunch that may seem insurmountable, but take a deep breath. You will find a solution. The debate and dialogue you are engaged in is part of the process. I am confident you all will do what is best for the state. You know Washington could learn a lot from Nevada. While it may seem as though you are a contentious group, you really do get along and you will get the job done. At the end of the day you are going to come together and do the right thing.

When it comes to our nation's economy President Bush has proposed a variety of economic initiatives that strengthen the economy and create jobs. The goal from the White House is 1.4 million jobs in America, including 7,000 jobs here in Nevada, while at the same time we target waste, fraud, and abuse within the government. Recently, I was honored to author and pass out of committee a key piece of President Bush's stimulus package. It meant a lot to me that Leadership asked our office to carry such an important piece of legislation in our first days in office. We introduced H.R. 444, the Back to Work Incentive Act of 2003, or the Back to Work Bill, at the end of January. Simply put, the bill creates personal reemployment accounts of up to $3,000 to help the unemployed get back to work. Back to Work Accounts offer a new, innovative approach designed to provide the unemployed with additional flexibility, greater choice, and more control over their employment search. It also offers a reemployment bonus for those who find a job quickly.

More than a month ago, I asked the Education and Workforce Committee to hold a hearing in Las Vegas at one of our One-Stop Centers. Chairman John Boehner and subcommittee member Buck McKeon attended the hearings and toured the One-Stop Center near downtown Las Vegas. During the hearing, state employment officials testified that helping Nevadans get back to work just one week earlier would save Nevada's Trust Fund $8 million a year.

Many of you who know me understand my passion for education. My wife, Laurie, who is here tonight, is a former librarian and schoolteacher. Education continues to be a top priority for me in Congress. First, our state's explosive growth is not recognized by federal education formulas or by members of the House. I commend Senator John Ensign and his aggressive efforts to amend the funding formulas to ensure that Nevada's students get their fair share of education dollars. On the House side, I have personally brought this issue to the attention of the Speaker of the House Dennis Hastert, Majority Leader Tom DeLay, Secretary of Education Paige, and Chairman of Education John Boehner. Now they are aware that Nevada's school children may not be able to play sports or music or explore the arts because these programs are in danger of being cut. They've heard about the struggles and we are working together to find a solution.

Last week, I offered an amendment to increase the spending levels for special education funding, or properly titled, the Individuals with Disabilities Act (IDEA). The increase would result in the federal government paying for an unprecedented 21 percent of the per-pupil cost of special education funding in this country. In overall education spending, Congress just passed a $56.1 billion Education Budget. That marks a $3 billion increase over 2003 alone.

There are two other issues involving children's safety. Last week Speaker of the House Hastert and Education Committee Chairman Boehner asked me to serve as a conferee for the Keeping Children and Families Safe Act of 2003. This legislation will provide a safety net and prevent child abuse and family violence before it occurs. It protects and treats abused and neglected children and victims of family violence. As a new member of Congress, it is an honor to sit on the committee with senior senators and senior members of the House, to iron out our differences and ultimately pass a bill that will protect our children.

While we are making strides to bring education to the excellent levels that we all seek to attain, there is still much work to be done. An educator in southern Nevada approached me with a concern that only a parent can understand. It involves safety in the classroom. The legislation I propose will call for a nationwide network of checks and balances for educators who apply to come to Nevada to teach. Now, I know that most of the teachers we have here are outstanding, but too often schools outside of Nevada do not provide adequate background information on applications. Our state needs more than 2,000 new teachers a year and we want the best for our students. I'd like you to ponder this thought as you all deliberate on ways to improve education in Nevada. My principles regarding the role of government hold true more than ever with education. The government closest to the people best serves the people. Having been a member of this esteemed Body for eight years, I still feel a sense of responsibility for its outcome. I truly believe it is time for the funding of schools to be partially determined by local school boards. For years I have watched the finger-pointing and allegations, the attempt by some to insist that certain elected officials don't care about kids. I can even remember reading a cartoon in the Las Vegas Review Journal. It showed a student standing in the middle of a crowd of people with a big question mark over his head. In this crowd of people, in a circle, there was a parent pointing a finger at the school board, pointing a finger at the superintendent, pointing a finger at the Legislature, pointing a finger at the Governor. It was all about funding of education and who was to blame.

I believe that it is the right time to give local school boards the responsibility to determine how much they need and the tools they need to fund education. I believe collectively that they can do that under the Nevada PLAN and collectively they will make the right choices. School board members were elected to make decisions because they are closest to parents and students. They truly have a better feel for what is needed than Carson City or Washington, D.C.

Another bill I am especially proud of supporting is the Child Abduction Prevention Act of 2003, which includes the highly publicized Amber Alert System. The Amber Alert will provide law enforcement with the coordinated effort they need in the crucial early moments in the search for a missing child. Speaker Perkins, you deserve a lot of credit and recognition for your work for Nevada's own Amber Alert legislation. Now federal legislation will offer a boost to Nevada's system. The federal legislation authorizes $25 million to state and local jurisdictions for highway signage, education and training programs, and equipment to help build the best Amber Alert System in every state. I applaud you, Richard.

Nevada's transportation needs are growing, and those needs call for federal assistance. As a member of the House Transportation and Infrastructure Committee, I will be a part of the reauthorization of T-21, the Federal Highway and Transit Bill; and AIR-21, the Aviation Bill. I really can't go any further without saying that House Transportation Committee Chairman Don Young is a great friend to Nevada. He has made several trips to our state and is keenly aware of our transportation needs. Our number one transportation priority as Nevadans is to ensure that our state continues to receive its fair share of federal transportation funds, both absolutely and relatively. I am working with NDOT, regional planning organizations, and cities to make sure that our needs are met here in Nevada. Along with my colleagues I have submitted more than a billion dollars in urgent transportation needs before Congress. These are our dollars. They should come back to us in Nevada, and without adequate investment in our transportation system we cannot expect to attract the residents and the tourists that our economy needs.

For months, Nevadans have been dealing with what the rest of the country is now facing. In more than a dozen states, hospital emergency rooms have been forced to shut their doors, and doctors have been forced to leave their patients. The Governor and the Nevada Legislature should be commended for its work to slow the flight of doctors from our state. We in Congress are also aware of the problem. I'm proud to have spoken and voted for H.R. 5, a bill that will cap

growing liability costs for our doctors. I urge my colleagues in the U.S. Senate to take up this bill and act as quickly as possible.

Since the beginning of my public service, for nearly two decades, I have been fighting against the storage of deadly nuclear waste in Nevada's backyard, and my resolve remains the same. While we have many legal hurdles left to cross, please know that we are focused on the health and safety of all Nevadans, first and foremost. It seems that on so many things we do as representatives back in Washington, we are on the defensive. From Yucca Mountain to protecting our state's number one industry, gaming. On that front, it seems the NCAA Betting Ban Bill has been brought back to life. Know that our Nevada team is united and we will lobby other members and educate them on the shortsightedness of this proposed legislation.

Working to help seniors is one of my highest priorities, and I am pleased to have been involved in bringing about legislation to meet their needs and give them the benefits they deserve. Congress has passed a budget that will create a Medicare prescription drug program. The Speaker of the House has appointed me to his seniors Prescription Drug Action Team. Our job is to lead the charge, nationwide, to move a prescription drug benefit through the House of Representatives. The Speaker is aware of the Governor's success with Nevada's Senior Rx program. I hope my input will take Nevada's success to the federal level. Congratulations, Governor. Our seniors shouldn't have to choose between paying their rent or buying medicine they desperately need. Our seniors should never have to forego lifesaving medicine because of the cost, again.

In closing, last week I had the opportunity to visit with soldiers who were recuperating from the war at Walter Reed Army Hospital and at Bethesda Naval Hospital just outside of Washington. I had to find a way to thank them for their courage and sacrifices. When you look at these soldiers in their hospital beds you notice several things about them. First, while they may look young, some are 19 and 20 years old, their eyes tell a really different story. Their eyes reflect a maturity beyond their years. It was quite overwhelming and overpowering and inspiring, but I did manage to bring a smile to a few of their faces. As soon as I mentioned I was from Las Vegas, they would say, "Oh, you're from Vegas" and then they would smile and have a twinkle in their eyes.

I took letters from students from elementary schools in Henderson, Boulder City, and Las Vegas. I would like to share with you a couple of short letters from the students. While all of them are filled with words of encouragement and hope, a couple of them are especially touching. You will find they capture the spirit of our young Nevadans and they honor the soldiers who are fighting for our freedom.

First, a young child writes, "Dear Sogers, Thank you for helping us."

Next, another youngster writes, "Dear Soldiers, Thank you for caring. You deserve a big car." That was from Mrs. Jenson's class.

Finally, another young student writes:

> "Dear Soldier, hi. I'm a fifth grade student in Henderson, Nevada. I am writing to you because I care about you. You are fighting for our freedom. You didn't even have to do this, but you did. I just want you to know, we all here at Treem Elementary support you. Thank you for protecting us and for protecting Iraq. We all want you to come home safely, especially your family and your friends. You are sacrificing for us. You must have giant hearts to do this all for America. I just want to say, even though I don't know you, I care and love you."

Then she drew a little rose at the bottom and said, "God bless you."

With letters like this, we have so much to be proud of. We have faced some uncertain times, but we must continue to work together. It is the resilience of our spirit as Battle Born Nevadans that allows us to bounce back from life's challenges. It is the secret of our success right here in Nevada. May God bless Nevada, may God bless our soldiers, and may God bless America. Thank you.

Senator Washington moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Porter for his timely, able, and constructive message.

Seconded by Assemblywoman Pierce.

Motion carried unanimously.

The Committee on Escort escorted Representative Porter to the Bar of the Assembly.

Senator Shaffer moved that the Joint Session be dissolved.

Seconded by Assemblyman Sherer.

Motion carried.

Joint Session dissolved at 5:57 p.m.

ASSEMBLY IN SESSION

At 5:59 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Joint Resolution No. 5; Senate Concurrent Resolution No. 28.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Bennett.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Puchert, Patricia Keough, and Betty Peters.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Beers and Sarah Beers.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Darci Brown, Elizabeth Brown, and Bridget Brown.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Jessie Walsh, Jon Blinn, Shalane Trujillo, Conrad Fellows, Raymond Perez, Dominick Mix, Ashley Smith, Eli Baker, Jordan Shaw, and Jason Gonzales.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to David Bennett.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to William A. Glenn.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, April 17, 2003, at 10:30 a.m.

Motion carried.

Assembly adjourned at 5:59 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 17, 2003

Assembly called to order at 10:45 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Goldwater, who was excused.

Prayer by the Chaplain, Pastor John Jackson.

Heavenly Father, we thank You for Your goodness and mercy given to us. We thank You for the love that was shown to us in Jesus Christ and the gift of His life upon the cross. Thank You for the power of new life that comes from the Resurrection. Now, Father, we ask that this day would be efficient and effective in the matters before this Assembly. We ask for Your wisdom and guidance to be present in all that we do.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 507, 508, 513, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 240, 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 285, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 245, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TOM COLLINS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 484.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 307.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 307.

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

Motion carried.

Senate Bill No. 484.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 156, 240, 245, 249, 262, 285, 382, 441, 458, 460, 485, 507, 508, and 513 be placed on the Second Reading File.

Motion carried.

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

Assembly in recess at 10:52 a.m.

ASSEMBLY IN SESSION

At 10:54 a.m.
Mr. Speaker presiding.
Quorum present.

Assemblywoman Chowning moved that Assembly Bill No. 324 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 87.
Bill read second time and ordered to third reading.

Senate Bill No. 88.
Bill read second time and ordered to third reading.

Senate Bill No. 334.
Bill read second time and ordered to third reading.

Senate Bill No. 353.
Bill read second time and ordered to third reading.

Assembly Bill No. 156.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 299.
Amend sec. 4, page 3, line 22, after "*insanity.*" by inserting: "*A plea of not guilty by reason of insanity must be entered not less than 21 days before the date set for trial.*".
Amend sec. 9, page 5, by deleting line 9 and inserting: "*custody and transport him to a forensic facility*".
Amend sec. 9, page 5, by deleting lines 11 and 12 and inserting:
"*(b) Order the examination of the person by two psychiatrists, two psychologists, or one psychiatrist and one psychologist who are employed by a division facility; and*".
Amend sec. 9, page 5, by deleting lines 40 and 41 and inserting: "*requires:*
(a) "Division facility" has the meaning ascribed to it in NRS 433.094.
(b) "Forensic facility" means a secure facility of the Division of Mental Health and Developmental Services of the Department of Human Resources for mentally disordered offenders and defendants. The term includes, without limitation, Lakes Crossing Center.

(c) "Mentally ill person" has the meaning ascribed to it in NRS 433A.115.".

Amend the bill as a whole by deleting sec. 25 and inserting:

"Sec. 25. (Deleted by amendment.)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 240.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 367.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 387.335 is hereby amended to read as follows:

387.335 1. The board of trustees of a county school district may issue its general obligations to raise money for the following purposes, and no others:

(a) Construction, design or purchase of new buildings for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(b) Enlarging, remodeling, repairing or replacing existing buildings or grounds for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, but not limited to, playgrounds, athletic fields and sites for stadiums.

(d) Paying expenses relating to the acquisition of school facilities which have been leased by a school district pursuant to NRS 393.080.

(e) Purchasing necessary furniture and equipment for schools, including, without limitation, equipment used in educating pupils, furniture for school buildings and equipment used for the transportation of pupils. If money from the issuance of general obligations is used to purchase furniture and equipment to replace existing furniture and equipment, and that existing furniture and equipment subsequently is sold, the proceeds from the sale must be applied toward the retirement of those obligations. If equipment used for the transportation of pupils is purchased pursuant to this paragraph, only the following equipment may be purchased:

(1) Motor vehicles that use biodiesel, compressed natural gas or a similar fuel formulated to reduce emissions from the amount of emissions produced from traditional fuels such as gasoline and diesel fuel;

(2) Equipment to retrofit motor vehicles to use biodiesel, compressed natural gas or a similar fuel formulated to reduce emissions from the amount

of emissions produced from traditional fuels such as gasoline and diesel fuel; or

(3) Equipment for the transportation, storage or dispensing of biodiesel, compressed natural gas or similar fuels formulated to reduce emissions from the amount of emissions produced from traditional fuels such as gasoline and diesel fuel.

2. Any one or more of the purposes enumerated in subsection 1 may, by order of the board of trustees entered in its minutes, be united and voted upon as one single proposition.

3. Any question submitted pursuant to this section and any question submitted pursuant to NRS 387.3285 may, by order of the board of trustees entered in its minutes, be united and voted upon as a single proposition.

4. *If a school district issues general obligations to:*

(a) Replace existing buildings or grounds for schools, as set forth in paragraph (b) of subsection 1; or

(b) Purchase equipment used in educating pupils, furniture for school buildings or equipment used for the transportation of pupils, as set forth in paragraph (e) of subsection 1, the school district shall prepare an annual written report that describes the purposes for which the proceeds of the bonds were used in the immediately preceding year. The school district shall, on or before October 1 of each year, submit the report to the Department and maintain a copy of the report for inspection by the general public.

5. As used in this section, "biodiesel" has the meaning ascribed to it in 42 U.S.C. § 13220.".

Amend section 1, page 2, by deleting lines 5 and 6 and inserting:

"5. Section 48 of this act expires by limitation on July 1, ~~[2003.]~~ *2007.*".

Amend the title of the bill to read as follows:

"AN ACT relating to education; extending the prospective expiration of certain provisions that authorize the board of trustees of a county school district to issue its general obligations to raise money to replace existing buildings or grounds for schools, and to purchase necessary equipment used in educating pupils, necessary furniture for school buildings and certain necessary equipment used for the transportation of pupils; requiring the board of trustees of a school district that issues its general obligations for such a purpose to prepare an annual written report describing the purposes for which the proceeds of the bonds were used; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Extends prospective expiration of provisions that expand purposes for which board of trustees of county school district may issue general obligations. (BDR 34-453)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 273.

Amend section 1, page 1, line 3, by deleting "*board,*" and inserting "*body,*".

Amend section 1, page 2, by deleting lines 2 and 3 and inserting: "*owned mobile home lots:*

1. Except as otherwise provided in subsection 2, may not require any change to existing densities, uses, lot sizes, setbacks or other similar restrictions applicable to the mobile home park as a condition of the approval of the conversion.

2. May impose reasonable restrictions related to health and safety as a condition of the".

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "individually owned lots from requiring certain changes to certain existing restrictions applicable to the park as a condition".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 11:03 a.m.

ASSEMBLY IN SESSION

At 11:04 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Assembly Bill No. 249 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Manendo.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 274.

Amend section 1, page 2, by deleting lines 2 through 8 and inserting:

"461.260 1. ~~[Local]~~ *In a county whose population is 400,000 or more, local enforcement agencies shall enforce and inspect the installation of factory-built housing and manufactured buildings.*

2. *In a county whose population is less than 400,000, local enforcement agencies may enforce and inspect the installation of factory-built housing and manufactured buildings. If a local enforcement agency fails or refuses to enforce and inspect the installation of any factory-built housing or manufactured building in its jurisdiction within 10 days after receipt of a request to inspect the installation, the Division shall enforce and inspect the installation.*

3. Local use zone requirements, local fire zones, building".

Amend section 1, page 2, line 14, by deleting "3." and inserting "~~[3.]~~ *4.*".

Amend section 1, page 2, line 15, by deleting "*1,*" and inserting "*2,*".

Amend section 1, page 2, line 19, by deleting "*2,*" and inserting "*3,*".

Amend section 1, page 2, line 25, by deleting "*4.*" and inserting "*5.*".

Amend sec. 4, page 5, line 39, after "*homes*" by inserting: "*who is licensed pursuant to chapter 624 of NRS*".

Amend sec. 4, page 5, by deleting lines 42 through 44 and inserting: "*installation and occupancy of a manufactured home. If such a dealer enters into such a written agreement, the dealer is*".

Amend sec. 4, page 5, line 45, by deleting "*a*" and inserting "*the*".

Amend sec. 4, page 6, line 1, by deleting "*a*" and inserting "*the*".

Amend sec. 4, page 6, by deleting line 5 and inserting:

"*2. A dealer of new manufactured homes, regardless of whether he is licensed pursuant to chapter 624 of NRS, shall not require a*".

Amend sec. 4, page 6, line 12, by deleting "*4.*" and inserting "*3.*".

Amend the title of the bill to read as follows:

"AN ACT relating to housing; providing for the inspection of, and the issuance of certificates of occupancy for, factory-built housing and manufactured buildings by the Manufactured Housing Division of the Department of Business and Industry in certain counties under certain circumstances; authorizing the Division to establish certain fees; providing for the classification of mobile, manufactured and factory-built homes on leased land as real property for purposes of property taxes under certain circumstances; establishing liability for the unlawful removal of a mobile or manufactured home which has been converted to real property; authorizing certain dealers of new manufactured homes to contract with licensed

providers of services to perform work pertinent to the sale, installation and occupancy of manufactured homes; revising provisions governing the licensure of limited servicemen who provide services relating to the installation and repair of manufactured homes; and providing other matters properly relating thereto.".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 386.

Amend section 1, page 2, by deleting lines 1 through 3 and inserting: "acceptance of candidacy, and *has* paid the fee required by NRS 293.193 ~~not~~".

Amend section 1, pages 4 and 5, by deleting lines 40 through 45 on page 4 and lines 1 through 37 on page 5, and inserting: "street address has not been assigned to his residence ~~[.]~~ *; or*

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the candidate's name and address.

5. By filing the declaration or acceptance of candidacy, the".

Amend section 1, page 6, between lines 5 and 6, by inserting:

"*6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer:*

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights

restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.".

Amend sec. 2, page 6, by deleting lines 10 through 12 and inserting: "candidacy or an acceptance of candidacy and *has* paid the fee established by the".

Amend sec. 2, pages 7 and 8, by deleting lines 38 through 45 on page 7 and lines 1 through 27 on page 8, and inserting: "street address has not been assigned to his residence ~~[.]~~ *; or*

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the candidate's name and address.

5. By filing the declaration or acceptance of candidacy, the".

Amend sec. 2, page 8, after line 39, by inserting:

"*6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk:*

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.".

Amend the title of the bill to read as follows:

"AN ACT relating to elections; requiring a declaration of candidacy or acceptance of candidacy to include a statement that the declarant is a qualified elector and, if he has been convicted of a felony, that his civil rights have been restored; prohibiting a filing officer from accepting a declaration of candidacy or acceptance of candidacy if the candidate has not presented certain identification; making various changes concerning investigations to

determine whether a candidate has been convicted of a felony and, if so, whether he has had his civil rights restored; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 382.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 368.

Amend sec. 2, page 1, line 4, by deleting "*shall*" and inserting "*may*".

Amend sec. 5, page 2, line 18, by deleting "*1.*".

Amend sec. 5, page 2, by deleting lines 24 through 30.

Amend sec. 7, page 2, by deleting line 39 and inserting:

"Sec. 7. *The Board of Regents may establish fiscal*".

Amend sec. 7, page 3, by deleting lines 1 through 6.

Amend the title of the bill, first line, by deleting "requiring" and inserting "authorizing".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes Board of Regents of University of Nevada to establish Institute for Latino Research and Advocacy. (BDR 34-951)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 441.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 359.

Amend section 1, page 2, line 3, by deleting "25," and inserting "27,".

Amend sec. 2, page 2, line 34, after "*among*" by inserting: "*federal, state and local*".

Amend sec. 3, page 3, by deleting lines 3 through 7 and inserting:

"Sec. 3. (Deleted by amendment.)".

Amend sec. 5, page 3, by deleting lines 12 through 23 and inserting:

"Sec. 5. *1. "Act of terrorism" means any act that involves the use or attempted use of sabotage, coercion or violence which is intended to:*

(a) Cause great bodily harm or death to the general population; or

(b) Cause substantial destruction, contamination or impairment of:

(1) Any building or infrastructure, communications, transportation, utilities or services; or

(2) Any natural resource or the environment.

2. As used in this section, "coercion" does not include an act of civil disobedience.".

Amend sec. 10, page 3, line 43, by deleting "*safety*" and inserting: "*safety, including, without limitation, the Nevada National Guard.*".

Amend the bill as a whole by adding new sections designated sections 10.3 and 10.7, following sec. 10, to read as follows:

"Sec. 10.3. *"Restricted document" means any blueprint or plan of a school, place of worship, airport, gaming establishment, governmental building or any other building or facility which is likely to be targeted for a terrorist attack.*

Sec. 10.7. *"System of communication" includes, without limitation, any public safety radio system or telecommunication system.*".

Amend sec. 11, page 4, by deleting lines 1 through 3 and inserting:

"Sec. 11. *1. "Utility" means any public or private entity that:*

(a) Provides water service, electric service or natural gas service to 500 or more service locations; or

(b) Operates any pipeline that is necessary to provide such service.".

Amend sec. 11, page 4, between lines 13 and 14, by inserting:

"*(e) A community water system that is subject to the requirements of 42 U.S.C. § 300i-2.*".

Amend sec. 12, page 4, line 15, by deleting "*12*" and inserting: "*a Chairman and at least 14*".

Amend sec. 12, page 4, by deleting lines 16 through 43 and inserting:

"*2. The Senate Majority Leader shall appoint two members of the Senate as voting members to the Commission.*

3. The Speaker of the Assembly shall appoint two members of the Assembly as voting members to the Commission.

4. The Governor shall appoint to the Commission 10 voting members, at least one of whom represents the private sector. The Governor may appoint as many nonvoting members as he chooses. The members appointed by the Governor must possess expertise in one or more of the following areas:

(a) Counterterrorism intelligence;

(b) Military service;

(c) Law enforcement;

(d) Fire fighting;

(e) Public health;

(f) Hospital administration;

(g) Emergency management;

(h) Administration of critical infrastructure and vital public assets;

(i) Information technology;

(j) Transportation;

(k) Agriculture; and

(l) Business and industry.

5. The Governor may not appoint as a voting member of the Commission any employee of the Executive Branch of State Government.".

Amend sec. 12, page 5, line 1, by deleting "*5.*" and inserting "*6.*".

Amend sec. 12, page 5, by deleting lines 4 through 6 and inserting:

"*7. The voting members of the Commission shall elect from among their membership a Vice Chairman who serves in that office for a term of 1 year.*".

Amend sec. 13, page 5, line 7, after "13." by inserting "*1.*".

Amend sec. 13, page 5, line 8, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 13, page 5, line 11, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 13, page 5, line 14, before "*The*" by inserting "*2.*".

Amend sec. 13, page 5, by deleting lines 16 through 18 and inserting: "*Commission are eligible for reappointment. Vacancies among the voting membership of the*".

Amend sec. 15, page 5, by deleting lines 28 and 29 and inserting:

"Sec. 15. *1. Each member of the Commission who is not a public employee is entitled to receive compensation of not more than $80 per day, as fixed by the Commission, while engaged in the business of the Commission.*

2. A member of the Commission who is a public employee may not receive any compensation for his services as a member of the Commission. Any member of the Commission who is a public employee must be granted administrative leave from his duties to engage in the business of the Commission without loss of his regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

3. Except during a regular or special session of the Legislature, each legislative member of the Commission is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the Commission or is otherwise engaged in the business of the Commission. The compensation and expenses of the legislative members of the Commission must be paid from the Legislative Fund.

4. In addition to any compensation received pursuant to this section, while engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.".

Amend sec. 17, page 6, by deleting lines 21 through 24 and inserting: "*airports, the Capitol Complex, dams, gaming establishments, governmental buildings, highways, hotels, information technology infrastructure, lakes, places of worship, power lines, public buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:*".

Amend sec. 17, page 7, line 9, after "*acts*" by inserting "*related to their duties set forth in subsections 1 to 7, inclusive,*".

Amend sec. 21, page 7, line 26, after "*2*" by inserting: "*that is prepared and maintained for the purpose of preventing or responding to an act of terrorism*".

Amend sec. 21, pages 7 and 8, by deleting lines 36 through 45 on page 7 and lines 1 through 25 on page 8, and inserting:

"*(a) Assessments, plans or records that evaluate or reveal the susceptibility of fire stations, police stations and other law enforcement stations to acts of terrorism or other related emergencies.*

(b) Drawings, maps, plans or records that reveal the critical infrastructure of primary buildings, facilities and other structures used for storing, transporting or transmitting water or electricity, natural gas or other forms of energy.

(c) Documents, records or other items of information which may reveal the details of a specific emergency response plan or other tactical operations by a response agency and any training relating to such emergency response plans or tactical operations.

(d) Handbooks, manuals or other forms of information detailing procedures to be followed by response agencies in the event of an act of terrorism or other related emergency.

(e) Documents, records or other items of information that reveal information pertaining to specialized equipment used for covert, emergency or tactical operations of a response agency, other than records relating to expenditures for such equipment.

(f) Documents, records or other items of information that reveal frequencies for radio transmissions used by response agencies.".

Amend the bill as a whole by renumbering sections 22 through 34 as sections 25 through 37 and adding new sections designated sections 22 through 24, following sec. 21, to read as follows:

"Sec. 22. *1. Unless made confidential by specific statute, a restricted document may be inspected only by a person who provides:*

(a) His name;

(b) A copy of his driver's license or other photographic identification that is issued by a governmental entity;

(c) The name of his employer, if any;

(d) His citizenship; and

(e) Except as otherwise provided in this paragraph, a statement of the purpose for the inspection. A person is not required to indicate the purpose for inspecting a restricted document if the person is an employee of any fire-fighting or law enforcement agency.

2. Except as otherwise provided in subsection 3, a public officer or employee shall observe any person while the person inspects a restricted document in a location and in a manner which ensures that the person does not copy, duplicate or reproduce the restricted document in any way.

3. A restricted document may be copied, duplicated or reproduced:

(a) Upon the lawful order of a court of competent jurisdiction;

(b) As is reasonably necessary in the case of an act of terrorism or other related emergency;

(c) To protect the rights and obligations of a governmental entity or the public;

(d) Upon the request of a reporter or editorial employee who is employed by or affiliated with a newspaper, press association or commercially operated and federally licensed radio or television station and who uses the restricted document in the course of such employment or affiliation; or

(e) Upon the request of a registered architect, licensed contractor or a designated employee of any such architect or contractor who uses the restricted document in his professional capacity.

4. A public officer or employee shall inform any person who inspects a restricted document of the provisions of this section.

Sec. 23. *1. A public officer or employee who is the custodian of a restricted document shall establish a log to record:*

(a) The information described in subsection 1 of section 22 of this act when a person is allowed to inspect the document; and

(b) The date and time of the inspection.

2. The log is not a public record and may be inspected only by:

(a) A representative of a law enforcement agency; or

(b) A reporter or editorial employee who is employed by or affiliated with a newspaper, press association or commercially operated and federally licensed radio or television station.

Sec. 24. *Nothing in section 22 or 23 of this act shall be deemed to prohibit a public officer or employee from contacting a law enforcement agency to report a suspicious or unusual request to inspect a restricted document.*".

Amend sec. 22, page 8, by deleting lines 29 through 32 and inserting:

"*(a) The Division of Emergency Management of the Department of Public Safety; and*

(b) Each response agency that provides services to the political".

Amend sec. 22, page 9, line 11, by deleting "*23*" and inserting "*26*".

Amend sec. 24, page 11, by deleting lines 19 through 28 and inserting:

"*(a) Conduct a vulnerability assessment in accordance with the requirements of the federal and regional agencies that regulate the utility; and*

(b) Prepare and maintain an emergency response plan in accordance with the requirements of the federal and regional agencies that regulate the utility.".

Amend sec. 24, page 11, by deleting lines 32 and 33 and inserting: "*plan to the Division of Emergency Management of the Department of Public Safety;*".

Amend sec. 24, page 11, by deleting lines 40 and 41 and inserting: "*Division of Emergency Management of the Department of Public Safety.*".

Amend sec. 24, page 12, by deleting line 6 and inserting: "*this section or the operations of the utility, as determined by the Division of Emergency Management of the Department of Public Safety; or*".

Amend sec. 24, page 12, by deleting line 8 and inserting: "*involving public health or safety, as determined by the Division of Emergency Management of the Department of Public Safety.*".

Amend sec. 25, page 12, by deleting line 41 and inserting: "*the sole purpose of establishing false proof of age, including, without limitation, establishing false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is*".

Amend sec. 27, page 14, line 3, by deleting "*2003,*" and inserting "*2004,*".

Amend sec. 27, page 14, line 9, by deleting "*2003,*" and inserting "*2004,*".

Amend sec. 27, page 14, between lines 20 and 21, by inserting:

"*(c) "System of communication" has the meaning ascribed to it in section 10.7 of this act.*".

Amend sec. 28, page 14, line 23, by deleting "*2003,*" and inserting "*2004,*".

Amend sec. 28, page 14, line 29, by deleting "*2003,*" and inserting "*2004,*".

Amend sec. 28, page 14, between lines 41 and 42, by inserting:

"*(c) "System of communication" has the meaning ascribed to it in section 10.7 of this act.*".

Amend sec. 30, page 16, by deleting lines 30 through 32 and inserting: "*obtaining, inspecting and maintaining the defibrillators;*

(b) Shall ensure that those defibrillators are inspected and maintained on a regular basis; and

(c) Shall encourage the entity where the automated external defibrillator is placed to require any employee who will use the automated external defibrillator to successfully complete the training requirements of a course in basic emergency care of a person in cardiac arrest that includes training in the operation and use of an automated external defibrillator and is conducted in accordance with the standards of the American Heart Association, the American National Red Cross or any other similar organization."

Amend sec. 32, page 19, by deleting line 18 and inserting: "*the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.*".

Amend sec. 33, page 19, line 24, after "license" by inserting: "*or identification card*".

Amend sec. 33, page 19, line 36, after "*license*" by inserting: "*or identification card*".

Amend sec. 33, page 19, line 40, by deleting "*license.*" and inserting: "*license or identification card.*

4. With respect to any document described in subsection 1, the Department may, if the document has expired, refuse to accept the document or refuse to issue an identification card to the person presenting the document, or both.

5. The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a foreign country. The criteria must be based upon the purpose for which that person is present within the United States.".

Amend the bill as a whole by deleting sections 35 through 45 and renumbering sections 46 through 48 as sections 38 through 40.

Amend sec. 46, page 25, lines 21, 25, 33 and 36, by deleting "30" and inserting "33".

Amend sec. 46, page 26, line 1, by deleting "30" and inserting "33".

Amend sec. 47, pages 26 and 27, by deleting lines 32 through 45 on page 26 and lines 1 through 5 on page 27, and inserting:

"1. The Senate Majority Leader shall appoint two members of the Senate to the Nevada Commission on Homeland Security pursuant to subsection 2 of section 12 of this act to terms that expire on June 30, 2005.

2. The Speaker of the Assembly shall appoint two members of the Assembly to the Nevada Commission on Homeland Security pursuant to subsection 3 of section 12 of this act to terms that expire on June 30, 2005.

3. The Governor shall appoint 10 voting members to the Nevada Commission on Homeland Security pursuant to subsection 4 of section 12 of this act to terms that expire on June 30, 2006.".

Amend sec. 48, page 27, line 6, before "This" by inserting "1.".

Amend sec. 48, page 27, after line 6, by inserting:

"2. The provisions of sections 21 to 24, inclusive, of this act expire by limitation on June 30, 2007.".

Amend the title of the bill by deleting the eleventh through thirteenth lines and inserting: "utilities; providing for the".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 441 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 458.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 231.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 2, lines 12 and 13, by deleting: "workmen ~~[.]~~ *and the rate of compensation for overtime, as required pursuant to NRS 608.018."* and inserting "workmen.".

Amend sec. 2, page 2, lines 22 through 24, by deleting: "*and the rate of compensation for overtime, as required pursuant to NRS 608.018,*".

Amend sec. 2, page 2, by deleting line 26 and inserting:

"3. *Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or workman employed by the contractor or subcontractor on the public work not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or workman whenever the mechanic or workman works:*

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday.

4. The provisions of subsection 3 do not apply to a mechanic or workman who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one-half times the rate of wages set forth in the collective bargaining agreement for work in excess of 40 hours in any scheduled week of work or 8 hours in any workday.

5. The prevailing wage ~~[so]~~ *and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or*".

Amend sec. 2, page 2, line 29, by deleting "4." and inserting *"*~~[4.]~~ *6.*".

Amend the bill as a whole by adding a new section designated sec. 2, following sec. 2, to read as follows:

"Sec. 2. NRS 608.018 is hereby amended to read as follows:

608.018 1. Except as *otherwise* provided in ~~[subsection 2,]~~ *this section,* an employer shall pay one and one-half times an employee's regular wage rate whenever an employee works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. The provisions of subsection 1 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;

(b) Employees who receive compensation for employment at a rate not less than one and one-half times the minimum rate prescribed pursuant to NRS 608.250;

(c) Outside buyers;

(d) Salesmen earning commissions in a retail business if their regular rate is more than one and one-half times the minimum wage, and more than one-half their compensation comes from commissions;

(e) Employees who are employed in bona fide executive, administrative or professional capacities;

(f) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(g) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(h) Employees of a railroad;

(i) Employees of a carrier by air;

(j) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(k) Drivers of taxicabs or limousines;

(l) Agricultural employees;

(m) Employees of business enterprises having a gross sales volume of less than $250,000 per year; and

(n) Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment.

3. The provisions of this section do not apply to a mechanic or workman for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.".

Amend the title of the bill to read as follows:

"AN ACT relating to public works; requiring the payment of overtime to mechanics and workmen employed on public works under certain circumstances; clarifying the authority of the Labor Commissioner to enforce that requirement; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires payment of overtime to mechanics and workmen employed on public works under certain circumstances. (BDR 28-1304)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 215.

Amend sec. 4, page 2, line 36, by deleting "*A*" and inserting:

"*1. Except as otherwise provided in subsection 2, a*".

Amend sec. 4, page 2, between lines 39 and 40, by inserting:

"*2. Subsection 1 does not apply to a child who is assisting in an inspection pursuant to NRS 202.2496.*".

Amend the bill as a whole by deleting sec. 5 and adding:

"Sec. 5. (Deleted by amendment.)".

Amend sec. 6, page 3, line 31, by deleting "*described in*" and inserting "*prohibited by*".

Amend sec. 7, page 5, line 40, by deleting "*described in*" and inserting "*prohibited by*".

Amend sec. 9, page 6, line 34, by deleting "37," and inserting "58,".

Amend sec. 12, page 7, by deleting lines 4 and 5 and inserting:

"*1. Falsely depicts a stamp approved by the Department or a tax stamp authorized pursuant to the laws of any other state governing the taxation of cigarettes; or*

2. Was not sold by the Department or its agents or pursuant to the laws of any other state governing the taxation of cigarettes.".

Amend the bill as a whole by deleting sec. 15 and adding:

"Sec. 15. (Deleted by amendment.)".

Amend sec. 18, page 7, by deleting lines 27 through 33 and inserting:

"Sec. 18. *"Manufacturer" means any person who:*

1. Manufactures, fabricates, assembles, processes or labels a finished cigarette; or

2. Imports, whether directly or indirectly, a finished cigarette for sale or distribution in".

Amend sec. 24, page 8, by deleting lines 14 through 20 and inserting:

"*(c) Has been convicted of a crime relating to the sale of stolen or counterfeit cigarettes or stamps or the receipt of stolen cigarettes;*

(d) Is a manufacturer who has:".

Amend sec. 24, page 8, by deleting lines 26 and 27 and inserting:

"*(e) Is a nonparticipating manufacturer, as defined in section 46 of this act, who is not in full compliance with subsection 2 of NRS 370A.140.*".

Amend sec. 24, page 8, line 30, by deleting "*NRS.*" and inserting: "*NRS and sections 38 to 58, inclusive, of this act.*".

Amend sec. 26, page 8, lines 39 and 40, by deleting: "*manufacturer or importer,*" and inserting: "*person who holds a current permit to engage in business as a manufacturer or importer of cigarettes issued pursuant to 26 U.S.C. § 5713,*".

Amend sec. 27, page 9, by deleting lines 21 through 34 and inserting:

"*(a) The inventory of stamped and unstamped cigarette packages held by the wholesale dealer for sale or distribution within the borders of this state on hand at the beginning of the reporting period;*

(b) The inventory of cigarette packages held by the wholesale dealer for sale or distribution outside of the borders of this state on hand at the beginning of the reporting period;

(c) The quantity of stamped cigarette packages held for sale or distribution within the borders of this state that were received by the wholesale dealer from another person during the reporting period, and the name and address of each person from whom those products were received;

(d) The quantity of cigarette packages held for sale or distribution outside of the borders of this state that were received by the wholesale dealer from another person during the reporting period, and the name and address of each person from whom those products were received;

(e) The quantity of cigarette packages to which Nevada stamps were affixed that were distributed or shipped to another wholesale dealer or to a retail dealer within the borders of this state during the reporting period, and

the name and address of each person to whom those products were distributed or shipped;

(f) The quantity of cigarette packages to which Nevada stamps were affixed that were distributed or shipped to another facility of the same wholesale dealer within the borders of this state during the reporting period;

(g) The quantity of stamped cigarette packages that were distributed or shipped within the borders of this state to Indian tribal entities or instrumentalities of the Federal Government during the reporting period, and the name and address of each person to whom those products were distributed or shipped;

(h) The quantity of cigarette packages held for distribution outside of the borders of this state that were distributed or shipped outside of the borders of this state during the reporting period;

(i) The inventory of stamped and unstamped cigarette packages held for sale or distribution within the borders of this state on hand at the end of the reporting period;

(j) The inventory of cigarette packages held for sale or distribution outside of the borders of this state on hand at the end of the reporting period;

(k) The number of each type of stamp on hand at the beginning of the reporting period;

(l) The number of each type of stamp purchased or received during the reporting period;

(m) The number of each type of stamp applied during the reporting period; and

(n) The number of each type of stamp on hand at the end of the reporting period.".

Amend sec. 29, page 11, by deleting lines 3 through 5.

Amend sec. 29, page 11, line 6, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 29, page 11, line 9, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 37, page 14, line 38, by deleting "*1.*".

Amend sec. 37, page 14, line 39, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 37, page 14, line 41, by deleting "*(b)*" and inserting "*2.*".

Amend sec. 37, page 15, by deleting lines 1 through 3.

Amend the bill as a whole by renumbering sections 38 through 56 as sections 59 through 77 and adding new sections designated sections 38 through 58, following sec. 37, to read as follows:

"Sec. 38. *The Legislature finds that:*

1. Violations of the provisions of chapter 370A of NRS threaten the integrity of the Master Settlement Agreement, the fiscal soundness of the State and the public health.

2. The enactment of the procedural enhancements set forth in sections 38 to 58, inclusive, of this act will aid in the enforcement of the provisions of chapter 370A of NRS and thereby safeguard the Master Settlement Agreement, the fiscal soundness of the State and the public health.

Sec. 39. *As used in sections 38 to 58, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 40 to 50, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 40. *"Brand family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol," "lights," "kings" and "100s," and includes any brand name, whether occurring alone or in conjunction with any other word, any trademark, logo, symbol, motto, selling message or recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of cigarettes.*

Sec. 41. *"Cigarette" has the meaning ascribed to it in NRS 370A.050.*

Sec. 42. *"Directory" means the directory created pursuant to section 53 of this act.*

Sec. 43. *"Distributor" means a person that is authorized to affix stamps to cigarette packages pursuant to this chapter or any person that is required to pay the taxes on cigarettes imposed pursuant to this chapter.*

Sec. 44. *"Manufacturer of tobacco products" has the meaning ascribed to it in NRS 370A.060.*

Sec. 45. *"Master Settlement Agreement" has the meaning ascribed to it in NRS 370A.070.*

Sec. 46. *"Nonparticipating manufacturer" means any manufacturer of tobacco products that is not a participating manufacturer.*

Sec. 47. *"Participating manufacturer" has the meaning ascribed to it in NRS 370A.080.*

Sec. 48. *"Qualified escrow fund" has the meaning ascribed to it in NRS 370A.090.*

Sec. 49. *"Stamp" means the indicia required to be placed on a cigarette package that evidences payment of the taxes on cigarettes imposed pursuant to this chapter.*

Sec. 50. *"Units sold" has the meaning ascribed to it in NRS 370A.120.*

Sec. 51. *1. A manufacturer of tobacco products whose cigarettes are sold in this state, whether directly or through a distributor, retailer or similar intermediary or intermediaries, shall, not later than April 30 of each year, execute and deliver to the Attorney General and the Department, on a form provided by the Department, a certification which certifies under penalty of perjury that, as of the date of that certification, the manufacturer of tobacco products is either:*

(a) A participating manufacturer; or

(b) In full compliance with subsection 2 of NRS 370A.140, including any quarterly installment payments required pursuant to section 56 of this act.

2. Except as otherwise provided in section 52 of this act:

(a) A participating manufacturer shall include in its certification pursuant to this section a list of its brand families. The participating manufacturer shall update that list at least 30 calendar days before it adds to or modifies

its brand families by executing and delivering a supplemental certification to the Attorney General and the Department.

(b) A nonparticipating manufacturer shall, in its certification pursuant to this section:

(1) Include:

(I) A list of all of its brand families and the number of units sold for each brand family that were sold in the State during the preceding calendar year; and

(II) A list of all of its brand families that have been sold in the State at any time during the current calendar year;

(2) Indicate, by an asterisk, any brand family sold in the State during the preceding calendar year that is no longer being sold in the State as of the date of the certification; and

(3) Identify, by name and address, any other manufacturer of those brand families in the preceding or current calendar year.

A nonparticipating manufacturer shall update the information required by this paragraph at least 30 calendar days before it adds to or modifies its brand families by executing and delivering a supplemental certification to the Attorney General and the Department.

3. In addition to the requirements of subsection 2, the certification of a nonparticipating manufacturer pursuant to this section must certify:

(a) That the nonparticipating manufacturer is registered to do business in the State or has appointed a resident agent for service of process and provided notice thereof as required by section 54 of this act;

(b) That the nonparticipating manufacturer has:

(1) Established and continues to maintain a qualified escrow fund; and

(2) Executed a qualified escrow agreement governing the qualified escrow fund that has been reviewed and approved by the Attorney General;

(c) That the nonparticipating manufacturer is in full compliance with chapter 370A of NRS and any regulations adopted pursuant thereto;

(d) The name, address and telephone number of the financial institution where the nonparticipating manufacturer has established the qualified escrow fund required pursuant to chapter 370A of NRS and any regulations adopted pursuant thereto;

(e) The account number of that qualified escrow fund and any sub-account number for this state;

(f) The amount the nonparticipating manufacturer placed in that qualified escrow fund for cigarettes sold in the State during the preceding calendar year, the date and amount of each such deposit, and such evidence or verification as may be deemed necessary by the Department to confirm the information required by this paragraph; and

(g) The amount and date of any withdrawal or transfer of money the nonparticipating manufacturer made at any time from that qualified escrow fund or from any other qualified escrow fund into which it ever made escrow

payments pursuant to chapter 370A of NRS and any regulations adopted pursuant thereto.

Sec. 52. *A manufacturer of tobacco products:*

1. Shall not include a brand family in its certification pursuant to section 51 of this act unless, if the manufacturer is:

(a) A participating manufacturer, the manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of calculating its payments under the Master Settlement Agreement for the relevant year, in the volume and shares determined pursuant to the Master Settlement Agreement; or

(b) A nonparticipating manufacturer, the manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of chapter 370A of NRS.

This subsection must not be construed as limiting or otherwise affecting the right of the State to maintain that a brand family constitutes cigarettes of a different manufacturer of tobacco products for purposes of calculating payments under the Master Settlement Agreement or for purposes of chapter 370A of NRS.

2. Shall maintain all invoices and documentation of sales, and any other information relied upon by the manufacturer for its certification pursuant to section 51 of this act, for at least 5 years, unless the manufacturer is otherwise required by law to maintain them for a greater period.

Sec. 53. *1. The Department shall create and maintain on its Internet website and otherwise make available for public inspection a directory that lists, except as otherwise provided in sections 38 to 58, inclusive, of this act, all manufacturers of tobacco products that have provided current and accurate certifications conforming to the requirements of sections 38 to 58, inclusive, of this act and all brand families that are listed in those certifications. The Department:*

(a) Shall not include or retain in the directory the name or brand families of any nonparticipating manufacturer that has failed to provide the required certification or whose certification the Department determines is not in compliance with sections 38 to 58, inclusive, of this act, unless the Department has determined that such violation has been cured to its satisfaction.

(b) Shall not include or retain in the directory a manufacturer of tobacco products or brand family if the Department concludes, for a nonparticipating manufacturer, that:

(1) Any escrow payment required pursuant to chapter 370A of NRS for any period for any brand family, whether or not listed by the nonparticipating manufacturer, has not been fully paid into a qualified escrow fund governed by a qualified escrow agreement which has been approved by the Attorney General; or

(2) Any outstanding final judgment, including any interest thereon, for a violation of chapter 370A of NRS has not been fully satisfied for that manufacturer or brand family.

2. The Department shall update the directory as necessary to correct mistakes and to add or remove a manufacturer of tobacco products or brand family to keep the directory in conformity with the requirements of sections 38 to 58, inclusive, of this act.

3. Any determination of the Department not to include in or to remove from the directory a manufacturer of tobacco products or brand family is a final decision for the purposes of judicial review.

Sec. 54. *1. Any nonresident or foreign nonparticipating manufacturer that has not registered to do business in the State as a foreign corporation or other business entity must, as a condition precedent to having its brand families included or retained in the directory, appoint and continually engage without interruption the services of an agent in this state to act as its agent for the service of process on whom all process, in any action or proceeding against it concerning or arising out of the enforcement of this chapter, may be served in any manner authorized by law. Such service constitutes legal and valid service of process on the nonparticipating manufacturer. The nonparticipating manufacturer shall provide the name, address, phone number and proof of the appointment and availability of such agent to, and to the satisfaction of, the Attorney General and the Department.*

2. A nonparticipating manufacturer shall provide notice to the Attorney General and the Department at least 30 calendar days before the termination of the authority of an agent appointed pursuant to this section and shall provide proof to the satisfaction of the Attorney General and the Department of the appointment of a new agent not less than 5 calendar days before the termination of appointment of an existing agent. If an agent terminates his appointment as an agent, the nonparticipating manufacturer shall notify the Attorney General and the Department of that termination within 5 calendar days and include with that notification proof to the satisfaction of the Attorney General and the Department of the appointment of a new agent.

3. Any nonparticipating manufacturer whose cigarettes are sold in this state and who has not appointed and engaged an agent as required by this section shall be deemed to have appointed the Secretary of State as such agent and may be proceeded against in courts of this state by service of process upon the Secretary of State, except that the appointment of the Secretary of State as such agent does not satisfy the condition precedent for having the brand families of the nonparticipating manufacturer included or retained in the directory.

Sec. 55. *1. Not later than 20 calendar days after the end of each calendar quarter, and more frequently if so directed by the Department, each distributor shall submit such information as the Department requires to facilitate compliance with the provisions of sections 38 to 58, inclusive, of this act, including, without limitation, a list by brand family of the total*

number of cigarettes or, in the case of "roll-your-own" tobacco, the equivalent unit count, for which the distributor affixed stamps during the previous calendar quarter or otherwise paid the tax due for those cigarettes. The distributor shall maintain for at least 5 years, and make available to the Department, all invoices and documentation of sales of all cigarettes of nonparticipating manufacturers and any other information relied upon in reporting to the Department.

2. The Department may disclose to the Attorney General any information received pursuant to sections 38 to 58, inclusive, of this act and requested by the Attorney General for purposes of determining compliance with and enforcing the provisions of sections 38 to 58, inclusive, of this act. The Department and Attorney General shall share with each other the information received pursuant to the provisions of sections 38 to 58, inclusive, of this act, and may share such information with other federal, state or local agencies only for purposes of enforcement of those provisions, the provisions of chapter 370A of NRS or the corresponding laws of other states.

3. The Department may require at any time from a nonparticipating manufacturer proof, from the financial institution in which that manufacturer has established a qualified escrow fund for the purpose of compliance with chapter 370A of NRS, of the amount of money in that fund, exclusive of interest, the amount and date of each deposit to that fund, and the amount and date of each withdrawal from that fund.

4. In addition to the information otherwise required to be submitted pursuant to sections 38 to 58, inclusive, of this act, the Department may require a distributor or manufacturer of tobacco products to submit any additional information, including, without limitation, samples of the packaging or labeling of each brand family, as is necessary to enable the Department to determine whether a manufacturer of tobacco products is in compliance with the provisions of sections 38 to 58, inclusive, of this act.

5. Every distributor shall provide to the Department and update as necessary an electronic mail address for receiving any notifications as may be required to carry out sections 38 to 58, inclusive, of this act.

Sec. 56. *1. To promote compliance with the provisions of NRS 370A.140, the Department may adopt regulations requiring a manufacturer of tobacco products to make the escrow deposits required by NRS 370A.140 in quarterly installments during the year in which the sales covered by those deposits are made. The Department may require the production of information sufficient to enable the Department to determine the adequacy of the amount of each quarterly installment.*

2. The Department may adopt such regulations as it deems necessary to carry out the provisions of sections 38 to 58, inclusive, of this act.

Sec. 57. *1. It is unlawful for any person to:*

(a) Affix a stamp to a package or other container of cigarettes of a manufacturer of tobacco products or brand family which is not included in the directory; or

(b) Sell, or offer or possess for sale, in this state cigarettes of a manufacturer of tobacco products or brand family not included in the directory.

2. A person who violates any provision of subsection 1 is guilty of a gross misdemeanor.

3. In addition to any other penalty authorized by law, the Department may impose on each person who violates any provision of subsection 1 a civil penalty for each such violation of not more than $5,000 or 500 percent of the retail value of the cigarettes involved in the violation, whichever is greater.

4. Any violation of subsection 1 constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

5. For the purposes of this section, each stamp affixed to and each sale or offer to sell cigarettes in violation of subsection 1 constitutes a separate violation.

Sec. 58. *1. The Attorney General, on behalf of the Department, may bring an action in the district court of this state to:*

(a) Enjoin any threatened or actual violation of the provisions of sections 38 to 58, inclusive, of this act by a distributor and to compel the distributor to comply with those provisions; or

(b) Enforce any of the provisions of sections 38 to 58, inclusive, of this act.

2. In any action brought by the State to enforce the provisions of sections 38 to 58, inclusive, of this act, the State is entitled to recover any costs of investigation, expert witness fees, costs of the action and reasonable attorney fees.

3. If a court determines that any person has violated any provision of sections 38 to 58, inclusive, of this act, the court shall order any profits, gain, gross receipts or other benefit from the violation to be disgorged and paid to the State Treasurer for deposit in the State General Fund.

4. The remedies and penalties provided in sections 38 to 58, inclusive, of this act are cumulative to each other and to the remedies and penalties available under any other law of this state.".

Amend sec. 40, page 15, line 27, by deleting "*71*" and inserting "*57*".

Amend sec. 48, page 18, lines 17 and 21, by deleting "*72 hours*" and inserting "*10 days*".

Amend sec. 48, page 18, by deleting line 25 and inserting: "*person who holds a current permit to engage in business as a manufacturer or importer of cigarettes issued pursuant to 26 U.S.C. § 5713.*".

Amend sec. 49, page 19, line 5, by deleting: "*65 to 70,*" and inserting: "*51 to 57,*".

Amend sec. 51, page 20, line 17, after "*Government,*" by inserting "*this state,*".

Amend the bill as a whole by deleting sections 57 through 72, renumbering sec. 73 as sec. 80 and adding new sections designated sections 78 and 79, following sec. 56, to read as follows:

"Sec. 78. NRS 370.525 is hereby amended to read as follows:

370.525 1. Except as otherwise provided in subsection 2, a person may institute a civil action in a court of competent jurisdiction for appropriate injunctive relief if the person:

(a) Sells, distributes or manufactures cigarettes; and

(b) Sustains direct economic or commercial injury as a result of a violation of ~~[subsection 4 of NRS 370.240 or NRS 370.385.]~~ *NRS 370.080 to 370.315, inclusive, and sections 24 to 32, inclusive, of this act, NRS 370.380, 370.385 or 370.410, or section 35, 36 or 37 of this act.*

2. Nothing in this section authorizes an action against this state, a political subdivision of this state, or an officer, employee or agency thereof.

Sec. 79. NRS 370.530 is hereby amended to read as follows:

370.530 *1. The Attorney General or the district attorney of the proper county may investigate and prosecute any civil or criminal violation of this chapter.*

2. Sheriffs, within their counties, and all other peace officers of the State of Nevada ~~[are charged with the duty,]~~ *shall,* without further compensation, ~~[of assisting]~~ *assist* in the enforcement of this chapter.".

Amend sec. 73, page 29, line 12, by deleting: "~~[shall]~~ *is entitled to*" and inserting "shall".

Amend sec. 73, page 29, by deleting lines 22 through 29 and inserting: "amount it was required to deposit into escrow *on account of units sold in the State* in a particular year was greater than ~~[this state's allocable share of the total payments that the manufacturer would have been required to make in that year under]~~ the Master Settlement Agreement *payments, as determined pursuant to section IX(i) of that Agreement including after final determination of all adjustments, that such manufacturer would have been required to make on account of such units sold* if the manufacturer had been a".

Amend the bill as a whole by renumbering sections 74 and 75 as sections 83 and 84 and adding new sections designated sections 81 and 82, following sec. 73, to read as follows:

"Sec. 81. NRS 370A.150 is hereby amended to read as follows:

370A.150 A manufacturer of tobacco products that deposits money into escrow pursuant to subsection 2 of NRS 370A.140 shall receive the interest or other appreciation on the deposit as earned. The principal of the deposit may be released from escrow only under the following circumstances:

1. To pay a judgment or settlement on a released claim brought against that manufacturer by this state or by a releasing party located or residing in this state. Money may be released from escrow under this subsection only in the order in which it was deposited into escrow and only to the extent and at

the time necessary to make payments required under the judgment or settlement.

2. ~~[To the extent that the manufacturer establishes that the amount it was required to deposit into escrow on account of units sold in the State in a particular year was greater than the Master Settlement Agreement payments, as determined pursuant to section IX(i) of that Agreement including after final determination of all adjustments, that such manufacturer would have been required to make on account of such units sold if the manufacturer had been a participating manufacturer, the excess must be released from escrow and revert to the manufacturer.~~

~~3.]~~ To the extent not released from escrow under subsection 1 *,* ~~[or 2,]~~ deposits must be released from escrow and revert to the manufacturer 25 years after the date on which they were deposited.

Sec. 82. NRS 370A.150 is hereby amended to read as follows:

370A.150 A manufacturer of tobacco products that deposits money into escrow pursuant to subsection 2 of NRS 370A.140 shall receive the interest or other appreciation on the deposit as earned. The principal of the deposit may be released from escrow only under the following circumstances:

1. To pay a judgment or settlement on a released claim brought against that manufacturer by this state or by a releasing party located or residing in this state. Money may be released from escrow under this subsection only in the order in which it was deposited into escrow and only to the extent and at the time necessary to make payments required under the judgment or settlement.

2. *To the extent that the manufacturer establishes that the amount it was required to deposit into escrow in a particular year was greater than this state's allocable share of the total payments that the manufacturer would have been required to make in that year under the Master Settlement Agreement if the manufacturer had been a participating manufacturer, as such payments are determined pursuant to section IX(i)(2) of that Agreement and before any of the adjustments or offsets described in section IX(i)(3) of that Agreement other than the inflation adjustment, the excess must be released from escrow and revert to the manufacturer.*

3. To the extent not released from escrow under subsection 1 ~~[,]~~ *or 2,* deposits must be released from escrow and revert to the manufacturer 25 years after the date on which they were deposited.".

Amend sec. 74, page 29, line 38, by deleting "69" and inserting "55".

Amend sec. 74, page 29, line 40, by deleting "65" and inserting "51".

Amend sec. 74, page 29, line 44, by deleting "67" and inserting "53".

Amend sec. 75, page 30, by deleting lines 1 and 2 and inserting:

"Sec. 84. 1. This section and sections 1 to 56, inclusive, 58 to 80, inclusive, and 83 of this act become effective:".

Amend sec. 75, page 30, line 7, by deleting "71" and inserting "57".

Amend sec. 75, page 30, after line 7, by inserting:

"3. Section 81 of this act becomes effective on the date a court of competent jurisdiction enters a judgment determining that the amendatory provisions of section 80 of this act are unconstitutional.

4. Section 82 of this act becomes effective on the date a court of competent jurisdiction enters a judgment determining that the amendatory provisions of section 81 of this act are unconstitutional.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 460 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 313.

Amend section 1, page 2, line 21, by deleting "*own*" and inserting "*own,*".

Amend section 1, page 2, by deleting line 24 and inserting: "*the requirements set forth in section 107(q)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(q)(1).*".

Amend section 1, page 2, by deleting lines 32 and 33 and inserting: "*that are incurred and unrecovered by the State of Nevada with respect to real property for which a bona fide prospective purchaser of the real property is not liable*".

Amend section 1, page 2, by deleting lines 40 through 43 and inserting:

"*(b) May, with respect to those incurred and unrecovered costs and by agreement with the bona fide prospective purchaser of the real property, obtain from that bona fide prospective purchaser:*

(1) A lien on any other real property owned by the bona fide prospective purchaser;".

Amend section 1, page 3, by deleting line 9 and inserting: "*ascribed to it in section 101(40) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601(40).*".

Amend section 1, page 3, by deleting line 18 and inserting: "*exemption from liability set forth in section 107(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(b)(3).*".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 507.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 382.

Amend section 1, page 1, line 5, after "*degree,*" by inserting: "*including, without limitation, a degree of associate in applied science,*".

Amend section 1, page 1, line 9, after "university" by inserting: "*or state college*".

Amend section 1, page 1, line 13, by deleting "university;" and inserting: "university ~~[,]~~ *or state college, as applicable;*".

Amend section 1, page 1, line 15, by deleting "university." and inserting: "university ~~[.]~~ *or state college, as applicable.*".

Amend the title of the bill, fourth line, after "a university" by inserting: "or state college".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing transferability of certain community college credits to university or state college. (BDR 34-254)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 508.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 291.

Amend the bill as whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 6 to read as follows:

"Section 1. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are enrolled in those grades.

(b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science; and

(4) Social studies, which includes *:*

(I) Except as otherwise provided in sub-subparagraph (II), only the subjects of history, geography, economics and government.

(II) In addition to the provisions of sub-subparagraph (I), for kindergarten and grades 1 to 5, inclusive, the study of cultures of various ethnic and racial groups represented in the United States.

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full-time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full-time.

3. A charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsection 2 if the person has:

(a) A degree, a license or a certificate in the field for which he is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

4. A charter school may employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A master's degree in school administration, public administration or business administration; or

(b) If the person has at least 5 years of experience in administration, a baccalaureate degree.

5. A charter school shall not employ a person pursuant to this section if his license to teach or provide other educational services has been revoked or suspended in this state or another state.

6. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each licensed employee who is employed by the governing body on October 1 of that year:

(a) The amount of salary of the employee; and

(b) The designated assignment, as that term is defined by the Department, of the employee.

Sec. 2. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center and the Nevada Youth Training Center:

(a) English, including reading, composition and writing;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes *:*

(1) Except as otherwise provided in subparagraph (2), only the subjects of history, geography, economics and government.

(2) In addition to the provisions of subparagraph (1), for kindergarten and grades 1 to 5, inclusive, the study of cultures of various ethnic and racial groups represented in the United States.

2. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center and the Nevada Youth Training Center:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 3. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 2, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes *:*

(I) Except as otherwise provided in sub-subparagraph (II), only the subjects of history, geography, economics and government ~~[:]~~ .

(II) In addition to the provisions of sub-subparagraph (I), for kindergarten and grades 1 to 5, inclusive, the study of cultures of various ethnic and racial groups represented in the United States;

(5) The arts;

(6) Computer education and technology;

(7) Health; and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

3. The State Board shall adopt the standards of content and performance established by the Council.

4. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

Sec. 4. The Council to Establish Academic Standards for Public Schools shall:

1. On or before January 1, 2004, revise the standards of content and performance for social studies to comply with the amendatory provisions of section 3 of this act.

2. On or before February 1, 2005, submit the revised standards to the Director of the Legislative Counsel Bureau for transmission to the 73rd Session of the Nevada Legislature.

Sec. 5. On or before April 1, 2004, the State Board of Education shall adopt the standards of content and performance for social studies revised by the Council to Establish Academic Standards for Public Schools pursuant to the amendatory provisions of section 3 of this act. The revised standards must be carried out in elementary schools commencing with the 2004-2005 school year.

Sec. 6. 1. This section and sections 3, 4 and 5 of this act become effective on July 1, 2003.

2. Sections 1 and 2 of this act become effective on July 1, 2004.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; requiring the Council to Establish Academic Standards for Public Schools to revise the academic standards in social studies for certain grade levels to include the study of certain cultures; revising related provisions that set forth the core academic subjects in public schools; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing academic standards for certain grade levels to include certain cultural studies. (BDR 34-1217)”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 513.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 366.
Amend sec. 2, page 2, by deleting lines 20 through 22.
Amend sec. 2, page 2, line 23, by deleting "*(2)*" and inserting "*(1)*".
Amend sec. 2, page 2, by deleting line 27 and inserting:
"*(2) Methods to improve the school environment in a*".
Amend sec. 2, page 2, line 30, by deleting "*(4)*" and inserting "*(3)*".
Assemblyman Williams moved the adoption of the amendment.
Remarks by Assemblymen Williams and Hardy.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 510 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Williams moved that upon return from the printer Assembly Bill No. 513 be re-referred to the Committee on Ways and Means.
Motion carried.

Assemblyman Williams moved that upon return from the printer Assembly Bill No. 508 be re-referred to the Committee on Ways and Means.
Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 53.
The following Senate amendment was read:
Amendment No. 83.
Amend section 1, page 2, by deleting lines 5 through 16, and inserting:
"(c) *"Provider of health care" includes any of the following persons, if the person is rendering emergency care or assistance in an emergency:*

(1) A physician or physician assistant.
(2) A practitioner of respiratory care.
(3) An osteopathic physician or osteopathic physician's assistant.
(4) A medical laboratory technician.
(5) A nurse, student nurse or certified nursing assistant.
(6) An attendant on an ambulance or air ambulance.
(7) An emergency medical technician.".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 53.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Assembly Bill No. 323 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Koivisto.

Motion carried.

Assemblywoman Koivisto moved that Assembly Bill No. 395 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Collins moved that Assembly Bill No. 488 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 378, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 267, 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

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

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:33 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 192, 256, 267, 346, 378, and 477 be placed on the Second Reading File.
Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 445 be placed at the top of the General File.
Motion carried.

NOTICE OF EXEMPTION

April 17, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 510.

MARK STEVENS
Fiscal Analysis Division

GENERAL FILE AND THIRD READING

Assembly Bill No. 86.
Bill read third time.
Remarks by Assemblyman Goicoechea.
Roll call on Assembly Bill No. 86:
YEAS—41.
NAYS—None.
EXCUSED—Goldwater.
Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 258.
Bill read third time.
Remarks by Assemblywomen Giunchigliani and Weber.
Roll call on Assembly Bill No. 258:
YEAS—31.
NAYS—Angle, Carpenter, Chowning, Claborn, Collins, Grady, Gustavson, Hardy, Mabey, Weber—10.
EXCUSED—Goldwater.
Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 274 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 291:

YEAS—41.

NAYS—None.

EXCUSED—Goldwater.

Assembly Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 293.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 293:

YEAS—40.

NAYS—None.

EXCUSED—Giunchigliani, Goldwater—2.

Assembly Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 349.

Bill read third time.

Roll call on Assembly Bill No. 349:

YEAS—40.

NAYS—None.

EXCUSED—Giunchigliani, Goldwater—2.

Assembly Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Gibbons moved that Assembly Bill No. 3 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 450.

Bill read third time.

Remarks by Assemblymen Hardy and Griffin.

Conflict of interest declared by Assemblyman Griffin.

Roll call on Assembly Bill No. 450:

YEAS—39.

NAYS—None.

NOT VOTING—Griffin.

EXCUSED—Giunchigliani, Goldwater—2.

Assembly Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblymen Conklin and Carpenter.

Roll call on Assembly Bill No. 487:

YEAS—39.

NAYS—Marvel.

EXCUSED—Giunchigliani, Goldwater—2.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 17, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 477.

MARK STEVENS
Fiscal Analysis Division

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

Assembly in recess at 11:57 a.m.

ASSEMBLY IN SESSION

At 12:03 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 122 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 129.

Amend the bill as a whole by renumbering section 1 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. With respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3825, inclusive, and for which an additional fee is imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after approving the final design of the particular special license plate, issue the special license plate for a trailer or other type of vehicle that is not a passenger car or light commercial vehicle, excluding motorcycles and vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. As used in this section, "charitable organization" means a particular cause, charity or other entity that receives money from the imposition of an additional fee in connection with the issuance of a special license plate

pursuant to NRS 482.3667 to 482.3825, inclusive. The term includes the successor, if any, of a charitable organization.

Sec. 2. NRS 482.3764 is hereby amended to read as follows:

482.3764 1. Before the Department issues to any person, pursuant to NRS 482.3763:

(a) An initial set of special license plates, it shall:

(1) Collect a special fee for a veterans' home in the amount of $25; and

(2) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in NRS 482.37635.

(b) An annual renewal sticker, it shall:

(1) Collect a special fee for a veterans' home in the amount of $20; and

(2) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in NRS 482.37635.

2. The Department shall deposit any money collected pursuant to this section with the State Treasurer for credit to the ~~[Veterans' Home Account.]~~ *Gift Account for Veterans' Homes, established by subsection 7 of NRS 417.145.*

Sec. 3. NRS 482.37905 is hereby amended to read as follows:

482.37905 1. Except as otherwise provided in this subsection, the Department, in cooperation with the organizations in this state which assist in the donation and procurement of human organs, shall design, prepare and issue license plates that encourage the donation of human organs using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. ~~[The Department may issue]~~ *If the Department receives at least 250 applications for the issuance of* license plates that encourage the donation of human organs *, the Department shall issue those plates* for ~~[any]~~ *a* passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that encourage the donation of human organs if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates which encourage the donation of human organs pursuant to ~~[subsection 3.]~~ *subsections 3 and 4.*

3. The fee for license plates to encourage the donation of human organs is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. *In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who, on or after July 1, 2003:*

(a) Requests a set of license plates to encourage the donation of human organs must pay for the initial issuance of the plates an additional fee of $25, to be deposited pursuant to subsection 5; and

(b) Renews a set of license plates to encourage the donation of human organs must pay for each renewal of the plates an additional fee of $20, to be deposited pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Anatomical Gift Account created in the State General Fund by NRS 460.150.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, ~~[he may retain]~~ *the holder shall:*

(a) Retain the plates and ~~[:~~

~~(a) Affix]~~ *affix* them to another vehicle that meets the requirements of this section if the ~~[transfer and registration fees are paid as set forth in this chapter; or]~~ *holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or*

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.".

Amend section 1, page 2, by deleting lines 7 through 14 and inserting: "plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates".

Amend section 1, page 3, by deleting lines 16 through 26.

Amend the bill as a whole by renumbering sec. 2 as sec. 8 and adding new sections designated sections 5 through 7, following section 1, to read as follows:

"Sec. 5. NRS 482.37937 is hereby amended to read as follows:

482.37937 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Pyramid Lake Paiute Tribe, shall design, prepare and issue license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake using any colors that the Department deems appropriate. The design of the license plates must include a depiction of Pyramid Lake and its surrounding area. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be

combined with license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Pyramid Lake Paiute Tribe. The fees deposited pursuant to this subsection may only be used to:

(a) Protect, restore and enhance the water quality and natural resources of or relating to the Lower Truckee River and Pyramid Lake, including, without limitation:

(1) Providing matching money for grants that are available from federal or state agencies for such purposes; and

(2) Paying the costs of the Tribe's portion of joint projects with local, state or federal agencies for such purposes.

(b) Pay for, or match grants for, projects for the enhancement of the economic development of the area surrounding the Lower Truckee River and Pyramid Lake.

(c) Pay for the development and construction of an arena on the Pyramid Lake Indian Reservation for activities pertaining to fairgrounds or rodeos, or both, and to provide financial support for the establishment of a rodeo team or other designated activities at Pyramid Lake High School. Until October 1, 2006, 25 percent of the fees deposited pursuant to this subsection must be used for the purposes described in this paragraph.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of ~~[subsections 1 to 6, inclusive,]~~ *this section* disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of ~~[subsections 1 to 6, inclusive,]~~ *this section* if the ~~[transfer and registration fees are paid as set forth in this chapter;]~~ *holder pays the fee*

for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[7. Except as otherwise provided in this subsection, the Director shall, at the request of the Pyramid Lake Paiute Tribe:~~

~~(a) Order the design and preparation of souvenir license plates that indicate support for the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake; and~~

~~(b) Issue such souvenir license plates only to the Pyramid Lake Paiute Tribe for a fee established pursuant to NRS 482.3825. The Pyramid Lake Paiute Tribe may resell such souvenir license plates at a price determined by the Tribe. The Director shall not order the design or preparation of souvenir license plates pursuant to this subsection unless the Department has received at least 250 applications for the issuance of license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake pursuant to subsections 1 to 6, inclusive.]~~

Sec. 6. NRS 482.37945 is hereby amended to read as follows:

482.37945 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Northern Nevada Railway Foundation or its successor, shall design, prepare and issue license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad using any colors that the Department deems appropriate. The design of the license plates must include a depiction of a locomotive of the Virginia & Truckee Railroad and the phrase "The Virginia & Truckee Lives." The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad is $35, in addition to all other applicable registration and license

fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall transmit the fees collected pursuant to subsection 4 to the treasurer with whom the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Douglas, Lyon, Storey and Washoe Counties has entered into an agreement as required by subsection 2 of section 8 of chapter 566, Statutes of Nevada 1993, for deposit in the fund created pursuant to that section. The fees transmitted pursuant to this subsection must be used only for the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of ~~[subsections 1 to 6, inclusive,]~~ *this section* disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of ~~[subsections 1 to 6, inclusive,]~~ *this section* if the ~~[transfer and registration fees are paid as set out in this chapter;]~~ *holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399;* or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[7. Except as otherwise provided in this subsection, the Director shall, at the request of the Northern Nevada Railway Foundation or its successor:~~

~~(a) Order the design and preparation of souvenir license plates that indicate support for the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad; and~~

~~(b) Issue such souvenir license plates only to the Northern Nevada Railway Foundation or its successor for a fee established pursuant to NRS 482.3825. The Northern Nevada Railway Foundation or its successor may resell such souvenir license plates at a price determined by the Foundation or its successor. The director shall not order the design or preparation of souvenir license plates pursuant to this subsection unless the Department has received at least 250 applications for the issuance of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad pursuant to subsections 1 to 6, inclusive.]~~

Sec. 7. NRS 482.3825 is hereby amended to read as follows:

482.3825 1. The Director may order the design and preparation of souvenir license plates which are easily distinguishable in design or color from regular license plates. The Director may establish a fee for the issuance

of such plates of not more than $15 per plate. The Department may issue more than one plate of any particular design.

2. All money collected from the issuance of souvenir license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

3. As used in this section, "issuance" does not include the resale of a souvenir license plate ~~[.]~~ *as authorized pursuant to paragraph (a) of subsection 1 of section 1 of this act.*".

Amend sec. 2, page 4, by deleting lines 1 and 2 and inserting:

"(c) Except as otherwise provided in ~~[NRS 482.37937 and 482.37945,]~~ *paragraph (a) of subsection 1 of section 1 of this act,* for any souvenir license plate".

Amend the bill as a whole by renumbering sec. 3 as sec. 12 and adding new sections designated sections 9 through 11, following sec. 2, to read as follows:

"Sec. 9. NRS 417.145 is hereby amended to read as follows:

417.145 1. The Veterans' Home Account is hereby established in the State General Fund.

2. Money received by the Executive Director or the Deputy Executive Director from:

(a) Payments by the Department of Veterans Affairs for veterans who receive care in a veterans' home;

(b) Other payments for medical care and services;

(c) Appropriations made by the Legislature for veterans' homes; and

(d) Except as otherwise provided in subsection 7, gifts of money and proceeds derived from the sale of gifts of personal property he is authorized to accept for the use of veterans' homes, if the use of such gifts has not been restricted by the donor, must be deposited with the State Treasurer for credit to the Veterans' Home Account.

3. Interest and income must not be computed on the money in the Veterans' Home Account.

4. The Veterans' Home Account must be administered by the Executive Director, with the advice of the Deputy Executive Director and the Nevada Veterans' Services Commission, and the money deposited in the Veterans' Home Account may only be expended for:

(a) The operation of veterans' homes;

(b) A program or service related to a veterans' home;

(c) The solicitation of other sources of money to fund a veterans' home; and

(d) The purpose of informing the public about issues concerning the establishment and uses of a veterans' home.

5. Except as otherwise provided in subsection 7, gifts of personal property which the Executive Director or the Deputy Executive Director is authorized to receive for the use of veterans' homes:

(a) May be sold or exchanged if the sale or exchange is approved by the State Board of Examiners; or

(b) May be used in kind if the gifts are not appropriate for conversion to money.

6. All money in the Veterans' Home Account must be paid out on claims approved by the Executive Director as other claims against the State are paid.

7. The Gift Account for Veterans' Homes is hereby established in the State General Fund. The Executive Director or the Deputy Executive Director shall use gifts of money or personal property that he is authorized to accept and which the donor has restricted to one or more uses at a veterans' home, only in the manner designated by the donor. Gifts of money that the Executive Director or Deputy Executive Director is authorized to accept and which the donor has restricted to one or more uses at a veterans' home must be deposited with the State Treasurer for credit to the Gift Account for Veterans' Homes. *In addition to any gifts of money or personal property described in this subsection, any money collected pursuant to NRS 482.3764 must be deposited with the State Treasurer for credit to the Gift Account for Veterans' Homes. Money collected pursuant to NRS 482.3764 that is deposited with the State Treasurer for credit to the Gift Account for Veterans' Homes may only be expended:*

(a) For a program or service related to a veterans' home;

(b) To solicit other sources of money to fund a veterans' home; and

(c) To inform the public about issues concerning the establishment and uses of a veterans' home.

The interest and income earned on the money in the Gift Account for Veterans' Homes, after deducting any applicable charges, must be credited to the Gift Account for Veterans' Homes. Any money remaining in the Gift Account for Veterans' Homes at the end of each fiscal year does not ~~[lapse]~~ *revert* to the State General Fund, but must be carried forward into the next fiscal year.

Sec. 10. The provisions of NRS 482.37937 and 482.37945, as amended in this act, do not require that:

1. The Pyramid Lake Paiute Tribe; or

2. The Northern Nevada Railway Foundation or its successor,

submit a new request to the Director of the Department of Motor Vehicles pursuant to paragraph (a) of subsection 1 of section 1 of this act if the Tribe or the Foundation has already requested that the Director order the design and preparation of souvenir license plates, or has already requested that the Director issue the souvenir license plates to the Tribe or the Foundation for the purpose of reselling those plates, or both.

Sec. 11. As soon as practicable after July 1, 2003, the Director of the Department of Motor Vehicles shall cause notice of the provisions of paragraph (b) of subsection 4 of NRS 482.37905, as amended by this act, to be mailed to each person who is currently a holder of license plates to encourage the donation of human organs. The notice described in this section must inform those persons that, for a renewal of license plates to encourage

the donation of human organs which takes place on or after July 1, 2003, a holder of such license plates may:

1. Elect to pay the additional fee for renewal imposed pursuant to paragraph (b) of subsection 4 of NRS 482.37905, as amended by this act, and retain the plates; or

2. Elect not to pay the additional fee for renewal imposed pursuant to paragraph (b) of subsection 4 of NRS 482.37905, as amended by this act, and return the plates to the Department.".

Amend the title of the bill to read as follows:

"AN ACT relating to motor vehicles; requiring the Director of the Department of Motor Vehicles, with respect to certain special license plates, to design and prepare souvenir license plates and to issue those souvenir license plates for resale by the charitable organization that is benefited by the particular special license plate; authorizing the Department, in certain circumstances, to issue special license plates for vehicles other than passenger cars and light commercial vehicles; making certain changes with respect to the money collected in connection with the issuance of license plates for the support of veterans' homes; imposing an additional fee for the issuance and renewal of license plates that encourage the donation of human organs and providing for the deposit of any such proceeds for credit to the Anatomical Gift Account; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to special license plates. (BDR 43-181)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 438.

Amend section 1, page 1, line 3, by deleting "$9,238" and inserting "$9,044".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 461.

Amend section 1, page 3, by deleting lines 3 through 6.

Amend section 1, page 3, line 7, by deleting "*(c)*" and inserting "*(b)*".

Amend section 1, page 3, line 9, by deleting "*(d)*" and inserting "*(c)*".

Amend section 1, page 3, line 11, by deleting "*(e)*" and inserting "*(d)*".

Amend section 1, page 3, line 13, after "*property;*" by inserting "*and*".

Amend section 1, page 3, line 14, by deleting "*(f)*" and inserting "*(e)*".

Amend section 1, page 3, by deleting lines 16 through 21 and inserting "*responsible.*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 463.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sections 4 and 5 as sections 1 and 2.

Amend sec. 4, page 2, line 30, by deleting "and 4," and inserting: "~~[and 4,]~~ *, 4 and 5,*".

Amend sec. 4, pages 2 and 3, by deleting lines 40 through 44 on page 2 and line 1 on page 3 and inserting: "operate or maintain on a highway in this state any special mobile equipment or farm equipment that contains in the fuel tank of the special mobile equipment or farm equipment special fuel which has been dyed. As used in this subsection:

(a) "Farm equipment" means any self-".

Amend sec. 4, page 3, by deleting lines 14 through 29 and inserting:

"(b) "Highway" does not include a controlled-access highway as defined in NRS 484.041.

5. *To the extent authorized by federal law, a person may operate or maintain a motor vehicle on a highway in this state that contains in the fuel tank special fuel which has been dyed if the motor vehicle is used only to cross the highway to travel from one parcel of land owned or controlled by the person to another parcel of land owned or controlled by the person.*

6. There is a rebuttable presumption that all special fuel which".

Amend the title of the bill to read as follows:

"AN ACT relating to special fuel; revising the provisions governing the operation or maintenance of a vehicle on a highway in this state using dyed special fuel; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 378.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 395.

Amend the bill as a whole by deleting section 1, renumbering sections 2 and 3 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensing authority or its approved designee may, in accordance with the procedures set forth in 28 C.F.R. §§ 901 et. seq., conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of a resident who is 18 years of age or older of a foster home in which the licensing authority wishes to place a child in an emergency situation to determine whether the person investigated has been arrested for or convicted of any crime.

2. Upon request of a licensing authority that wishes to place a child in a foster home in an emergency situation, or upon request of the approved designee of the licensing authority, a resident who is 18 years of age or older of the foster home in which the licensing authority wishes to place the child must submit to the licensing authority or its approved designee a complete set of his fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The licensing authority or its approved designee shall forward the fingerprints to the Central Repository for Nevada Records of Criminal History within the time set forth in federal law or regulation.

3. If a resident who is 18 years of age or older of a foster home in which a licensing authority places a child in an emergency situation refuses to provide a complete set of fingerprints to the licensing authority or its approved designee upon request pursuant to subsection 2, the licensing authority must immediately remove the child from the foster home.

Sec. 2. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An agency which provides child welfare services or its approved designee may, in accordance with the procedures set forth in 28 C.F.R. §§ 901 et. seq., conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of a resident who is 18 years of age or older of a home in which the

agency which provides child welfare services wishes to place a child in an emergency situation to determine whether the person investigated has been arrested for or convicted of any crime.

2. Upon request of an agency which provides child welfare services that wishes to place a child in a home in an emergency situation, or upon request of the approved designee of the agency which provides child welfare services, a resident who is 18 years of age or older of the home in which the agency which provides child welfare services wishes to place the child must submit to the agency which provides child welfare services or its approved designee a complete set of his fingerprints and written permission authorizing the agency which provides child welfare services or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The agency which provides child welfare services or its approved designee shall forward the fingerprints to the Central Repository for Nevada Records of Criminal History within the time set forth in federal law or regulation.

3. If a resident who is 18 years of age or older of a home in which an agency which provides child welfare services places a child in an emergency situation refuses to provide a complete set of fingerprints to the agency which provides child welfare services or its approved designee upon request pursuant to subsection 2, the agency which provides child welfare services must immediately remove the child from the home.".

Amend sec. 2, page 2, line 36, by deleting "*1*" and inserting "*2*".

Amend the title of the bill to read as follows:

"AN ACT relating to protection of children; authorizing a licensing authority and an agency which provides child welfare services to conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of certain persons for the placement of children in emergency situations; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes licensing authority and agency which provides child welfare services to obtain direct access to certain records of criminal history of Federal Bureau of Investigation for the placement of children in emergency situations. (BDR 38-1117)".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 465.

Amend section 1, page 3, by deleting lines 12 through 17 and inserting:

"6. If a person cancels his registration and surrenders to the Department his license plates for a vehicle, the Department shall *, under the circumstances provided in subsection 7,* issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.

7. The Department shall issue a refund pursuant to subsection 6 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his driver's license and has sold or otherwise disposed of his vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.".

Amend the title of the bill, fifth line, by deleting "eliminating" and inserting "revising".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing refund of certain registration fees and governmental services taxes by Department of Motor Vehicles. (BDR 43-1259)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 478.

Amend section 1, page 3, by deleting lines 7 through 16 and inserting:

"2. If the enrollment of pupils in a school district ~~[or a charter school that is located within the school district]~~ on the last day of the first school month

of the school district for the school year is less than the enrollment of pupils in the same school district ~~[or charter school]~~ on the last day of the first school month of the school district for ~~[either or both of]~~ the immediately preceding ~~[2 school years, the largest]~~ *school year and the decline in enrollment is:*

(a) Five percent or less, the enrollment number from the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district pursuant to NRS 387.124.

(b) More than 5 percent, the larger enrollment number must be used from ~~[among the 3]~~ *the immediately preceding 2 school* years for purposes of apportioning money from the State Distributive School Account to that school district ~~[or charter school]~~ pursuant to NRS 387.124.".

Amend sec. 2, page 3, line 29, by deleting "2003." and inserting "2004.".

Amend the title of the bill, third line, after "enrollment;" by inserting: "removing charter schools from the provisions governing the calculation of basic support for declining enrollment;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Assembly Bill No. 234 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 234.

Bill read third time.

The following amendment was proposed by Assemblyman Manendo:

Amendment No. 500.

Amend section 1, page 1, line 2, by deleting "2" and inserting "1.5".

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. *An action must not be taken pursuant to sections 1.5 to 5, inclusive, of this act against a pupil with a disability who is participating in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, unless the action complies with:*

1. The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;

4. Any other federal law applicable to children with disabilities; and

5. The procedural policy adopted by the board of trustees of the school district for such matters.".

Amend sec. 2, page 1, by deleting lines 4 through 7 and inserting:

"Sec. 2. *1. A driver of a school bus shall comply with the applicable policies and regulations of the school district in which the driver is employed concerning the discipline of pupils on school buses.*

2. If a driver of a school bus has issued three referrals or citations to a pupil pursuant to the applicable policies and regulations of the school district concerning the discipline of pupils on school buses, the driver may remove the privilege of the pupil to ride any school bus if, in the judgment of the driver, the pupil has engaged in behavior while on the school bus that continues to disrupt and threaten the safety of the driver or the other pupils".

Amend sec. 2, page 2, line 1, by deleting "2." and inserting "3.".

Amend sec. 2, page 2, line 9, by deleting:

"3. Within 24 hours" and inserting:

"*4. Not later than the end of the next working day*".

Amend sec. 3, pages 2 and 3, by deleting lines 44 and 45 on page 2 and lines 1 and 2 on page 3, and inserting: "*removal of the privilege of the pupil to ride the school bus.*".

Amend sec. 3, page 3, by deleting lines 16 through 18 and inserting: "*privilege of the pupil to ride the school bus.*".

Amend sec. 5, page 4, by deleting lines 14 through 16 and inserting "*removed.*".

Amend the title of the bill to read as follows:

"AN ACT relating to education; requiring drivers of school buses to comply with applicable policies and regulations of school districts concerning the discipline of pupils on school buses; authorizing drivers of school buses to remove the privilege of disruptive pupils to ride a school bus under certain circumstances; requiring boards of trustees of school districts to establish certain committees to review the removal of the privilege of a pupil to ride a school bus; and providing other matters properly relating thereto.".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblymen Manendo, Anderson, Angle, Buckley, Williams, and Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 445.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 441.

Amend the bill as a whole by deleting sec. 7 and renumbering sections 8 through 32 as sections 7 through 31.

Amend sec. 18, page 10, line 29, by deleting "*17*" and inserting "*16*".

Amend sec. 19, page 10, line 44, by deleting "*17*" and inserting "*16*".

Amend sec. 31, page 21, lines 16 and 17, by deleting: "9 and 10" and inserting: "8 and 9".

Amend sec. 31, page 21, line 20, by deleting: "9 or 10" and inserting: "8 or 9".

Amend sec. 32, page 21, line 25, by deleting "30" and inserting "29".

Amend sec. 32, page 21, by deleting line 27 and inserting:

"2. Sections 1 to 28, inclusive, and 30 of this act become".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 3, 536, and Senate Bill No. 417 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Parks moved that Senate Bill No. 353 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Ruff.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Avery James.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Peterson and Lillian Smithson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Buckmaster, Keith Lund, Joanne Tanner, Sam Anderson, Sarah Burton, Jackilou Davis, Trevor deBraga, Beth Deines, Erin Eby, Keilana Fisher, Jared Floyd, Kaylee Hammond, Chelsea Hejny, Melanie Hoover, Nick King, Jon Laca, Scott Laca, Rachel Lecker, Charlie Lockwood, Kezia Lords, Jessica Mauga, Shalese Moulton, Maggie Nelson, Sarah Nemeth, Dylan Nettenstrom, Tosha Nunes, Amy Nygren, Alex Pearce, Brian Perkins, Shankari Rajagopal, Josh Rau, Tyler Reibsamen, Corrie Robinson, Katie Scherer, Kylie Sloan, Lacy Sloan, Richard L. Summers, John Swanson, Eric Taber, Rachel Tucker,

Chelsea Ward, Christina Withers, Logan Nuttall, Sarah Buck, and Russell Wilhelm.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Lynne Trujillo, Laree Campbell, Barbara Culbert, Dan Culbert, Lance Brogdon, Tony Fondi, Emma Garcia, Robbie Leedom, Benjamin Lucas, Arahi Maldonado, Briana Marquez, Carlos Munoz, Ashley Newcomb, Alexandrea Pitts, Reed Skenandore, Ricardo Terriques-Segara, Michaela Walker, Anne Marie White, William Withrow, Nereyda Zarate, Sybrina Cardinale, Leslie Villegas, John Bailey, Chelsea Brown, Keith Collier, Briana Co, Alicia Coon, Carter Forrest, Isaac Hernandez, Justice Kemp, Morgan Kleine, Cody Lee, Andrea Marquez, Braulio Negrete, Mariah Payton, Josh Rhiner, Justin Sanchez, Kendra Thurman, Gena Uzzle, Sierra Voight, Bianca Carrasco, Allicia Blake, Bradley Brazil, Taylor-Rae Canfield, Chris Derrick, Nendy DeSantiago, Matthew Galvan, Dalia Garcia, Brian Lester, Yajaira Pacheco, Rocky Roman, Angelica Ruiz, Brittany Rupert, Sheana Terry, Pavel Varela, Alec Whipple, Adriana Lemos, Samuel Martinez, Lizbeth Paz, and Nick Martin.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Sherry Thompson, Michelle Huskins, Ricky Huskins, and Ricky Langston.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Erick James.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 18, 2003, at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:27 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 18, 2003

Assembly called to order at 10:52 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor John Jackson.

Dear Lord, we come before You today in humility. We seek Your wisdom and Your compassion. Help us to work with one another in a way that will produce the best results for our state. Keep us looking up and looking forward. Because of the Resurrection, fill us with hope for the future. In Jesus' Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 81, 184, 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 212, 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 34, 50, 90, 123, 145, 183, 218, 240, 255, 298, 303, 312, 316, 339, 358, 383, 384, 386, 390, 395, 427, 450.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 205 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblywoman Weber moved that Assembly Bill No. 420 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Weber.

Motion carried.

Assemblywoman Buckley moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 36, 65, 81, 114, 136, 184, 212, 311, 353, 389, 394, 398, 408, 419, 438, 442, and 457 be placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 34.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 50.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 90.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 123.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 145.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 183.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 218.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 240.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 255.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 298.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 303.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 312.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 316.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 339.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 358.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 383.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 384.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

Senate Bill No. 386.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 390.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 395.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 427.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 450.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the action whereby Senate Bill No. 123 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblyman Oceguera moved that the action whereby Assembly Bill No. 383 was referred to the Committee on Health and Human Services be rescinded.

Motion carried.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:13 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Collins moved that Assembly Bill No. 485 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Koivisto moved that Assembly Bill No. 323 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 87 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 88 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 284, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Bills Nos. 298, 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 297, 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 29, 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 18, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 534.

MARK STEVENS
Fiscal Analysis Division

Assemblywoman Buckley moved that Assembly Bills Nos. 29, 206, 280, 284, 297, 298, 313, 337, 352, 421, 424, 425, 430, 526, and 528 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 205.

Bill read second time and ordered to third reading.

Assembly Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 292.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

"Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Heavy-duty motor vehicle" means, except as otherwise provided in NRS 445B.780, a motor vehicle that has a manufacturer's gross vehicle weight rating of 8,500 pounds or more. The term does not include a passenger car.*

Sec. 3. *"Motor vehicle fuel" has the meaning ascribed to it in NRS 365.060.*

Sec. 4. *"Special fuel" has the meaning ascribed to it in NRS 366.060.*

Sec. 5. *1. The provisions of NRS 445B.700 to 445B.845, inclusive, and sections 2 to 5, inclusive, of this act do not apply to military tactical vehicles.*

2. As used in this section, "military tactical vehicle" means a motor vehicle that is:

(a) Owned or controlled by the United States Department of Defense or by a branch of the Armed Forces of the United States; and

(b) Used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

Sec. 6. NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, *and sections 2 to 5, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.758, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 445B.780 is hereby amended to read as follows:

445B.780 1. The Commission shall, by regulation, establish a program for the regulation of smoke and other emissions by inspection of heavy-duty motor vehicles that are powered by diesel fuel or ~~[gasoline. The program must be substantially similar to the program established in the State of California.~~

~~2. The Director of the State Department of Conservation and Natural Resources shall review each amendment, repeal or other revision of a law or regulation of the State of California relating to the program established pursuant to subsection 1 to determine its appropriateness for this state. The Director shall recommend to the Commission any such provisions which he deems necessary or appropriate to ensure that program remains substantially similar to the program established in the State of California.~~

~~3.]~~ *motor vehicle fuel.*

2. The Commission shall adopt regulations concerning:

(a) The equipment used to measure smoke and other emissions of heavy-duty motor vehicles.

(b) The granting of a waiver ~~[from the provisions adopted by reference in this section,]~~ if compliance involves repair and equipment costs which exceed the limits established by the Commission. The Commission shall establish the limits in a manner which avoids unnecessary financial hardship to owners of heavy-duty motor vehicles.

~~[4.]~~ *3.* As used in this section, ~~[a]~~ "heavy-duty motor vehicle" means a motor vehicle that has a manufacturer's gross vehicle weight rating of ~~[8,500]~~ *10,001* pounds or more. *The term does not include a passenger car.*

Sec. 8. NRS 445B.795 is hereby amended to read as follows:

445B.795 The authority set forth in NRS 445B.770 providing for a compulsory inspection program is limited as follows:

1. In a county whose population is 100,000 or more, ~~[all passenger cars and light-duty motor vehicles which use diesel]~~ *the following categories of motor vehicles which are powered by motor vehicle fuel or special* fuel and require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration ~~[.]~~*:*

(a) All passenger cars;

(b) Light-duty motor vehicles; and

(c) Heavy-duty motor vehicles having a manufacturer's gross vehicle weight rating which does not exceed 10,000 pounds.

2. In areas which have been designated by the Commission for inspection programs and which are located in counties whose populations are 100,000 or more, all used motor vehicles which require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration.

3. In designated areas in other counties where the Commission puts a program into effect, all used motor vehicles which require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration.

4. The board of county commissioners of a county containing a designated area may revise its program for the designated area after receiving the approval of the Commission.

5. Before carrying out the inspections of vehicles required pursuant to the regulations adopted by the Commission pursuant to NRS 445B.770, the Commission shall, by regulation, adopt testing procedures and standards for emissions for those vehicles.

Sec. 9. NRS 445B.815 is hereby amended to read as follows:

445B.815 1. Except as otherwise provided in subsection 2, persons employed at branch offices of the Department of Motor Vehicles and the offices of county assessors who are acting as agents of the Department in the collection of fees for registration, shall not register:

(a) A passenger car or light-duty motor vehicle which:

(1) Uses ~~[diesel]~~ *motor vehicle fuel or special* fuel;

(2) Is based in a county whose population is 100,000 or more; and

(3) Requires inspection pursuant to the regulations adopted by the Commission under NRS 445B.770; ~~[or]~~

(b) *A heavy-duty motor vehicle having a manufacturer's gross vehicle weight rating which does not exceed 10,000 pounds, that:*

(1) Uses motor vehicle fuel or special fuel;

(2) Is based in a county whose population is 100,000 or more; and

(3) Requires inspection pursuant to the regulations adopted by the Commission under NRS 445B.770; or

(c) A vehicle which:

(1) Is based in an area of this state designated by the Commission; and

(2) Requires inspection pursuant to the regulations adopted by the Commission under NRS 445B.770, until evidence of compliance with NRS 445B.700 to 445B.845, inclusive, has been provided.

2. An owner or lessee of a fleet of three or more vehicles may, upon application to the Department of Motor Vehicles, submit evidence of compliance for his motor vehicles in a manner determined by that Department.

Sec. 10. NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, *and sections 2 to 5, inclusive, of this act* relating to

motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, *and sections 2 to 5, inclusive, of this act* or any regulation adopted pursuant thereto, must be enforced by any peace officer.

2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.

Sec. 11. NRS 590.070 is hereby amended to read as follows:

590.070 1. The State Board of Agriculture shall adopt regulations relating to the standards for petroleum products used in internal combustion engines . ~~[, which are substantially similar to the laws and regulations of the State of California relating to those standards.~~

~~2. The State Board of Agriculture shall review each amendment, repeal or other revision of a law or regulation of the State of California relating to those standards to determine its appropriateness for this state. The Board shall adopt any regulation based on a law or regulation of the State of California which the Board determines is necessary or appropriate for this state to ensure that the regulations adopted by the Board remain substantially similar to the laws and regulations adopted by the State of California concerning those standards.~~

~~3.]~~ *2.* It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any petroleum or petroleum product as, or purporting to be, gasoline or diesel fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.

~~[4.]~~ *3.* This section does not apply to aviation fuel.

~~[5.]~~ *4.* In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.".

Amend the title of the bill to read as follows:

"AN ACT relating to air pollution; revising provisions governing the program established by the State Environmental Commission for the regulation of smoke and other emissions by inspection of certain heavy-duty motor vehicles; revising provisions relating to the inspection and testing of certain motor vehicles; prohibiting certain branch offices and agents of the Department of Motor Vehicles from registering certain motor vehicles; eliminating the requirement that certain standards for petroleum products adopted by the State Board of Agriculture be similar to those of the State of California; exempting military tactical vehicles from requirements relating to the control of emissions from engines; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to control of emissions from engines of certain motor vehicles. (BDR 40-196)".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 27.

Amend sec. 3, page 3, line 10, by deleting "4" and inserting "3.1".

Amend the bill as a whole by adding new sections designated sections 3.1 through 3.9, following sec. 3, to read as follows:

"Sec. 3.1. *"Executive Department" means an agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department of State Government.*

Sec. 3.15. *"Party" includes, without limitation, the Executive Department.*

Sec. 3.2. *1. A subpoena issued by the Board extends to all parts of this state and must be served in accordance with the provisions of N.R.C.P. 4(c). The Board may not require a person named in a subpoena to attend at a place outside the county in which the person resides unless:*

(a) The location of the place is less than 100 miles from the person's primary residence; or

(b) A party, by affidavit, shows that the testimony of the person is material and necessary to the proceedings and the Board endorses on the subpoena an order requiring the person to attend at the place named in the subpoena, regardless of its location in this state.

2. A person who appears before the Board pursuant to a subpoena is entitled to receive fees and mileage in the same amounts and under the same circumstances as prescribed by law for a witness in a civil action in the district court, unless the person is a party to the proceeding or an officer or employee of this state or any of its political subdivisions. As used in this subsection, "employee" includes, without limitation, an employee in the classified or unclassified service of the State.

3. If a person who is entitled to receive fees and mileage pursuant to subsection 2 must appear at a hearing before the Board at a place located so far from his primary residence that it is not reasonable for the person to return to that residence from day to day, the person is entitled, in addition to fees and mileage, to receive the per diem compensation for subsistence and transportation authorized by NRS 281.160 for each day of actual attendance at such a hearing and for each day necessarily occupied in traveling to and from such a hearing.

4. Except as otherwise provided in subsection 5, a party who requests that the Board issue a subpoena to a person shall pay to the Board the amount of any compensation for subsistence and transportation that the person is entitled to receive from the Board pursuant to subsection 3.

5. As part of an award of costs to the party who prevails in a proceeding, the Board may require the party who did not prevail in the proceeding to pay to the Board the amount of any compensation for subsistence and transportation that the prevailing party would have otherwise been required to pay to the Board pursuant to subsection 4.

Sec. 3.3. *1. The Legislature finds as facts:*

(a) That the services provided by the State and local government employers are of such nature that they are not and cannot be duplicated from other sources and are essential to the health, safety and welfare of the people of the State of Nevada;

(b) That the continuity of such services is likewise essential, and their disruption incompatible with the responsibility of the State to its people; and

(c) That every person who enters or remains in the employment of the State or a local government employer accepts the facts stated in paragraphs (a) and (b) as an essential condition of his employment.

2. The Legislature therefore declares it to be the public policy of the State of Nevada that strikes against the State or any local government employer are illegal.

Sec. 3.35. *1. If a strike occurs against the State or a local government employer, the State or local government employer shall, and if a strike is threatened against the State or a local government employer, the State or local government employer may, apply to a court of competent jurisdiction to enjoin the strike. The application must set forth the facts constituting the strike or threat to strike.*

2. If the court finds that an illegal strike has occurred or unless enjoined will occur, it shall enjoin the continuance or commencement of the strike. The provisions of N.R.C.P. 65 and the other Nevada Rules of Civil Procedure apply generally to proceedings under this section, but the court shall not require security of the State or of any local government employer.

Sec. 3.4. *1. If a strike is commenced or continued in violation of an order issued pursuant to section 3.35 of this act, the court may:*

(a) Punish the employee organization or organizations guilty of the violation by a fine of not more than $50,000 against each organization for each day of continued violation.

(b) Punish any officer of an employee organization who is wholly or partly responsible for the violation by a fine of not more than $1,000 for each day of continued violation, or by imprisonment as provided in NRS 22.110.

(c) Punish any employee of the State or a local government employer who participates in the strike by ordering the dismissal or suspension of the employee.

2. Any of the penalties enumerated in subsection 1 may be applied alternatively or cumulatively, in the discretion of the court.

Sec. 3.45. *1. If a strike or violation is commenced or continued in violation of an order issued pursuant to section 3.35 of this act, the State or the local government employer may:*

(a) Dismiss, suspend or demote all or any of the employees who participate in the strike or violation.

(b) Cancel the contracts of employment of all or any of the employees who participate in the strike or violation.

(c) Withhold all or any part of the salaries or wages which would otherwise accrue to all or any of the employees who participate in the strike or violation.

2. Any of the powers conferred by subsection 1 may be exercised alternatively or cumulatively.

Sec. 3.5. *As used in NRS 288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3.6 to 3.8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3.6. *"Bargaining unit" means a group of local government employees recognized by the local government employer as having sufficient community of interest appropriate for representation by an employee organization for the purpose of collective bargaining.*

Sec. 3.7. *"Collective bargaining" means a method of determining conditions of employment by negotiation between representatives of the local government employer and employee organizations, entailing a mutual obligation of the local government employer and the representative of the local government employees to meet at reasonable times and bargain in good faith with respect to:*

1. Wages, hours and other terms and conditions of employment;

2. The negotiation of an agreement;

3. The resolution of any question arising under a negotiated agreement; or

4. The execution of a written contract incorporating any agreement reached if requested by either party,

but this obligation does not compel either party to agree to a proposal or require the making of a concession.

Sec. 3.75. *"Mediation" means assistance by an impartial third party to reconcile differences between a local government employer and a bargaining unit through interpretation, suggestion and advice.*

Sec. 3.8. *"Recognition" means the formal acknowledgment by the local government employer that a particular employee organization has the right to represent the local government employees within a particular bargaining unit.*

Sec. 3.9. *The Board shall adopt regulations governing:*

1. The recognition of employee organizations; and

2. The determination of bargaining units.".

Amend the bill as a whole by deleting sec. 6 and adding:

"Sec. 6. (Deleted by amendment.)".

Amend sec. 10, page 4, by deleting lines 6 through 9 and inserting:

"*(a) A managerial employee whose primary function, as determined by the Board, is to administer and control the business of any agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department of State Government and who is vested with discretion and independent judgment with regard to the general conduct and control of that agency, board, bureau, commission, department, division, elected officer or unit;*".

Amend the bill as a whole by deleting sec. 11 and adding:

"Sec. 11. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 13 and adding:

"Sec. 13. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 15 and adding:

"Sec. 15. (Deleted by amendment.)".

Amend sec. 17, page 5, line 5, by deleting "*and*".

Amend sec. 17, page 5, line 6, after "*5.*" by inserting: "*Discipline and discharge; and*

6.".

Amend the bill as a whole by deleting sections 19 through 24 and adding:

"Secs. 19-24. (Deleted by amendment.)".

Amend sec. 27, page 10, between lines 20 and 21, by inserting:

"*(j) Employees of the State Printing Division of the Department of Administration, not including compositors, assistant compositors, bindery operators, assistant bindery operators, pressmen and assistant pressmen employed pursuant to NRS 344.080 by the Superintendent of the State Printing Division.*

(k) Employees of the University and Community College System of Nevada.".

Amend sec. 27, page 10, line 31, after "*6.*" by inserting: "*The Board shall determine whether the employment functions of any group of employees performing managerial functions preclude the inclusion of those employees in a bargaining unit.*

7.".

Amend sec. 35, page 15, line 23, by deleting: "*NRS 288.230 to 288.260, inclusive,*" and inserting: "*sections 3.3 to 3.45, inclusive, of this act, relating to strikes,*".

Amend sec. 38, page 16, line 44, by deleting: "*sections 23 and 24*" and inserting: "*NRS 288.120 and section 3.2*".

Amend sec. 38, page 17, line 1, by deleting: "*sections 23 and 24*" and inserting: "*NRS 288.120 and section 3.2*".

Amend sec. 38, page 17, line 7, by deleting "*24*" and inserting "*3.2*".

Amend sec. 38, page 17, line 9, by deleting "*24*" and inserting "*3.2*".

Amend sec. 51, page 24, line 19, by deleting: "~~[this chapter,]~~ *NRS 288.020 to 288.280,*" and inserting "this chapter,".

Amend sec. 51, page 24, line 20, by deleting "*inclusive,*".

Amend sec. 51, page 24, line 21, by deleting: "288.025 to 288.075, inclusive," and inserting: "~~[288.025 to 288.075,]~~ *288.030 to 288.070,* inclusive, *and sections 3.1 and 3.15 of this act*".

Amend the bill as a whole by adding new sections designated sections 51.2 through 51.8, following sec. 51, to read as follows:

"Sec. 51.2. NRS 288.030 is hereby amended to read as follows:

288.030 "Board" means the ~~[Local Government]~~ *Public* Employee-Management Relations Board.

Sec. 51.4. NRS 288.040 is hereby amended to read as follows:

288.040 "Employee organization" means an organization ~~[of any kind having as one of its purposes improvement of the terms and conditions of employment of local government]~~ *that is created, maintained and operated to represent employees concerning the terms and conditions of employment for those* employees.

Sec. 51.6. NRS 288.080 is hereby amended to read as follows:

288.080 1. The ~~[Local Government]~~ *Public* Employee-Management Relations Board is hereby created, consisting of ~~[three members,]~~ *:*

(a) Three members appointed by the Governor;

(b) One member appointed by the Majority Leader of the Senate; and

(c) One member appointed by the Speaker of the Assembly.

2. The members of the Board must be broadly representative of the public and not closely allied with any employee organization or local government employer ~~[, not]~~ *or with the Executive Department. No* more than ~~[two of whom]~~ *three members of the Board* may be members of the same political party.

3. The term of office of each member is 4 years.

~~[2. The Governor shall appoint the members of the Board.]~~

Sec. 51.8. NRS 288.090 is hereby amended to read as follows:

288.090 1. The members of the Board shall annually elect one of their number as Chairman and one as Vice Chairman. Any ~~[two]~~ *three* members of the Board constitute a quorum.

2. The Board may, within the limits of legislative appropriations:

(a) Appoint a Commissioner and a Secretary, who ~~[shall be]~~ *are* in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who ~~[shall be]~~ *are* in the classified service of the State.".

Amend sec. 52, page 24, by deleting lines 24 through 28 and inserting:

"288.110 1. The Board may ~~[make rules governing:~~

~~(a) Proceedings before it;~~

~~(b) Procedures for fact-finding;~~

~~(c) The recognition of employee organizations; and~~

~~(d) The determination of bargaining units.]~~ *adopt:*

(a) Regulations governing proceedings before the Board;

(b) Regulations establishing procedures for fact-finding; and

(c) Such other regulations as are necessary for the Board to carry out its duties pursuant to this chapter.".

Amend sec. 52, page 24, by deleting lines 31 through 33 and inserting: "this chapter by any ~~[local government employer, local government employee or employee organization.]~~ *aggrieved person or governmental entity.* The Board shall conduct a hearing within 90 days after".

Amend the bill as a whole by deleting sec. 53 and adding:

"Sec. 53. (Deleted by amendment.)".

Amend sec. 54, page 26, line 11, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,*".

Amend sec. 55, page 27, line 5, by deleting: "*288.020 to 288.280, inclusive.*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*".

Amend sec. 55, page 27, line 7, by deleting: "*NRS 288.020 to 288.280, inclusive.*" and inserting: "*sections 3.3 to 3.45, inclusive, of this act.*".

Amend sec. 55, page 27, lines 38 and 39, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,*".

Amend sec. 55, page 28, lines 1 and 2, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,*".

Amend sec. 55, page 28, line 8, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 56, page 28, line 19, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend the bill as a whole by adding new sections designated sections 56.3 and 56.7, following sec. 56, to read as follows:

"Sec. 56.3. NRS 288.160 is hereby amended to read as follows:

288.160 1. An employee organization may apply to a local government employer for recognition by presenting:

(a) A copy of its constitution and bylaws, if any;

(b) A roster of its officers, if any, and representatives; and

(c) A pledge in writing not to strike against the local government employer under any circumstances. A local government employer shall not recognize as representative of its employees any employee organization which has not adopted, in a manner valid under its own rules, the pledge required by paragraph (c).

2. If an employee organization, at or after the time of its application for recognition, presents a verified membership list showing that it represents a majority of the employees in a bargaining unit, and if the employee

organization is recognized by the local government employer, it ~~[shall be]~~ *is* the exclusive bargaining agent of the local government employees in that bargaining unit.

3. A local government employer may withdraw recognition from an employee organization which:

(a) Fails to present a copy of each change in its constitution or bylaws, if any, or to give notice of any change in the roster of its officers, if any, and representatives;

(b) Disavows its pledge not to strike against the local government employer under any circumstances;

(c) Ceases to be supported by a majority of the local government employees in the bargaining unit for which it is recognized; or

(d) Fails to negotiate in good faith with the local government employer,

if it first receives the written permission of the Board.

4. If the Board in good faith doubts whether any employee organization is supported by a majority of the local government employees in a particular bargaining unit, it may conduct an election by secret ballot upon the question. Subject to judicial review, the decision of the Board is binding upon the local government employer and all employee organizations involved.

5. The parties may agree in writing, without appealing to the Board, to hold a representative election to determine whether an employee organization represents the majority of the local government employees in a bargaining unit. Participation by the Board and its staff in an agreed election is subject to the approval of the Board.

6. As used in this section, "bargaining agent" means an employee organization recognized by the local government employer as the exclusive representative of all local government employees in the bargaining unit for purposes of collective bargaining.

Sec. 56.7. NRS 288.170 is hereby amended to read as follows:

288.170 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with the recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary criterion for that determination must be the community of interest among the employees concerned.

2. A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent ~~[shall]~~ *must* not be a member of the same bargaining unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate bargaining unit.

3. A head of a department of a local government, an administrative employee or a supervisory employee ~~[shall]~~ *must* not be a member of the same bargaining unit as the employees under his direction. Any dispute between the parties as to whether an employee is a supervisor must be

submitted to the Board. An employee organization which is negotiating on behalf of two or more bargaining units consisting of firemen or police officers, as defined in NRS 288.215, may select members of the units to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.

4. Confidential employees of the local government employer must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

5. If any employee organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the local government employer and employee organizations involved. The Board shall apply the same criterion as specified in subsection 1.

6. As used in this section ~~[, "confidential]~~ *:*

(a) "Administrative employee" means any employee whose primary duties consist of work directly related to management policies, who customarily exercises discretion and independent judgment and regularly assists an executive. The term includes the chief administrative officer, his deputy and immediate assistants, department heads, their deputies and immediate assistants, attorneys, appointed officials and others who are primarily responsible for formulating and administering management policy and programs.

(b) "Confidential employee" means an employee who is involved in the decisions of management affecting collective bargaining.

(c) "Supervisory employee" means any person having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday. Nothing in this paragraph may be construed to mean that an employee who has been given incidental administrative duties is classified as a supervisory employee.".

Amend sec. 57, page 28, line 24, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,*".

Amend sec. 57, page 29, line 2, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 57, page 29, lines 5 and 6, by deleting: "*288.020 to 288.280, inclusive.*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*".

Amend sec. 58, page 29, line 26, by deleting: "*288.020 to 288.280, inclusive;*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act;*".

Amend sec. 59, page 30, line 5, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 60, page 30, lines 23 and 24, by deleting: "*288.020 to 288.280, inclusive.*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*".

Amend sec. 60, page 30, line 33, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 60, page 30, line 39, by deleting: "*288.020 to 288.280, inclusive.*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*".

Amend sec. 60, page 31, line 3, by deleting: "*288.020 to 288.280, inclusive.*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*".

Amend sec. 60, page 31, line 8, by deleting: "*288.020 to 288.280, inclusive.*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*".

Amend sec. 61, page 31, lines 22 and 23, by deleting: "*288.020 to 288.280, inclusive.*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*".

Amend sec. 62, page 31, line 38, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,*".

Amend sec. 63, page 33, line 21, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 64, page 34, line 24, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,*".

Amend sec. 65, page 34, line 41, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 66, page 35, lines 28 and 29, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 67, page 36, line 1, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 67, page 36, line 4, by deleting: "*288.020 to 288.280, inclusive:*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act:*".

Amend sec. 67, page 36, line 9, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,*".

Amend the bill as a whole by adding a new section designated sec. 70.5, following sec. 70, to read as follows:

"Sec. 70.5. NRS 354.624 is hereby amended to read as follows:

354.624 1. Each local government shall provide for an annual audit of all of its financial statements. A local government may provide for more frequent audits as it deems necessary. Except as otherwise provided in subsection 2, each annual audit must be concluded and the report of the audit submitted to the governing body as provided in subsection 6 not later than 5 months after the close of the fiscal year for which the audit is conducted. An extension of this time may be granted by the Department of Taxation to any local government that submits an application for an extension to the Department. If the local government fails to provide for an audit in accordance with the provisions of this section, the Department of Taxation shall cause the audit to be made at the expense of the local government. All audits must be conducted by a certified public accountant or by a partnership or professional corporation that is registered pursuant to chapter 628 of NRS.

2. The annual audit of a school district must:

(a) Be concluded and the report submitted to the board of trustees as provided in subsection 6 not later than 4 months after the close of the fiscal year for which the audit is conducted.

(b) If the school district has more than 150,000 pupils enrolled, include an audit of the expenditure by the school district of public money used:

(1) To design, construct or purchase new buildings for schools or related facilities;

(2) To enlarge, remodel or renovate existing buildings for schools or related facilities; and

(3) To acquire sites for building schools or related facilities, or other real property for purposes related to schools.

3. The governing body may, without requiring competitive bids, designate the auditor or firm annually. The auditor or firm must be designated and notification of the auditor or firm designated must be sent to the Department of Taxation not later than 3 months before the close of the fiscal year for which the audit is to be made.

4. Each annual audit must cover the business of the local government during the full fiscal year. It must be a financial audit conducted in accordance with generally accepted auditing standards in the United States, including, findings on compliance with statutes and regulations and an expression of opinion on the financial statements. The Department of Taxation shall prescribe the form of the financial statements, and the chart of accounts must be as nearly as possible the same as the chart that is used in the preparation and publication of the annual budget. The report of the audit must include:

(a) A schedule of all fees imposed by the local government which were subject to the provisions of NRS 354.5989; and

(b) A comparison of the operations of the local government with the approved budget, including a statement from the auditor that indicates whether the governing body has taken action on the audit report for the prior year.

5. Each local government shall provide to its auditor:

(a) A statement indicating whether each of the following funds established by the local government is being used expressly for the purposes for which it was created, in the form required by NRS 354.6241:

(1) An enterprise fund.

(2) An internal service fund.

(3) A fiduciary fund.

(4) A self-insurance fund.

(5) A fund whose balance is required by law to be:

(I) Used only for a specific purpose other than the payment of compensation to a bargaining unit, as defined in ~~[NRS 288.028;]~~ *section 3.6 of this act;* or

(II) Carried forward to the succeeding fiscal year in any designated amount.

(b) A list and description of any property conveyed to a nonprofit organization pursuant to NRS 244.287 or 268.058.

6. The opinion and findings of the auditor contained in the report of the audit must be presented at a meeting of the governing body held not more than 30 days after the report is submitted to it. Immediately thereafter, the entire report, together with the management letter required by generally accepted auditing standards in the United States or by regulations adopted pursuant to NRS 354.594, must be filed as a public record with:

(a) The clerk or secretary of the governing body;

(b) The county clerk;

(c) The Department of Taxation; and

(d) In the case of a school district, the Department of Education.

7. If an auditor finds evidence of fraud or dishonesty in the financial statements of a local government, the auditor shall report such evidence to the appropriate level of management in the local government.

8. The governing body shall act upon the recommendations of the report of the audit within 3 months after receipt of the report, unless prompter action is required concerning violations of law or regulation, by setting forth in its minutes its intention to adopt the recommendations, to adopt them with modifications or to reject them for reasons shown in the minutes.".

Amend sec. 71, page 38, lines 43 and 44, by deleting: "*288.020 to 288.280, inclusive.*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*".

Amend sec. 72, page 39, lines 26 and 27, by deleting: "*288.020 to 288.280, inclusive;*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act;*".

Amend sec. 73, page 41, line 11, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,*".

Amend sec. 74, page 41, lines 39 and 40, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 75, page 43, lines 38 and 39, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 75, page 43, line 44, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 75, page 45, line 4, by deleting: "*288.020 to 288.280, inclusive;*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act;*".

Amend sec. 76, page 45, line 14, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act*".

Amend sec. 77, page 48, lines 11 and 12, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,*".

Amend sec. 78, page 49, line 22, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,*".

Amend sec. 79, page 50, line 28, by deleting: "*288.020 to 288.280, inclusive,*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act,*".

Amend sec. 80, page 51, lines 1 and 2, by deleting: "*288.020 to 288.280, inclusive.*" and inserting: "*288.140 to 288.280, inclusive, and sections 3.5 to 3.9, inclusive, of this act.*".

Amend sec. 81, page 51, by deleting line 10 and inserting:

"Sec. 81. NRS 288.010, 288.025, 288.027, 288.028, 288.033, 288.063, 288.067, 288.075, 288.230, 288.240, 288.250 and 288.260 are hereby repealed.".

Amend sec. 82, page 51, line 11, by deleting "As" and inserting: "Notwithstanding the provisions of NRS 288.080 to the contrary, as".

Amend sec. 82, page 51, by deleting line 12 and inserting: "additional members of the Public Employee-Management Relations Board".

Amend sec. 82, page 51, by deleting lines 14 through 21 and inserting:

"1. One member appointed by the Majority Leader of the Senate to an initial term that begins on July 1, 2003, and ends on June 30, 2005; and

2. One member appointed by the Speaker of the Assembly to an initial term that begins on July 1, 2003, and ends on June 30, 2007.".

Amend the bill as a whole by adding new sections designated sections 83.3 and 83.7, following sec. 83, to read as follows:

"Sec. 83.3. 1. Any member of the Local Government Employee-Management Relations Board whose term does not expire until June 30, 2005, remains in office on the Public Employee-Management Relations Board for the duration of that term unless he is removed before that date in the manner authorized by law.

2. Any rules and regulations adopted by the Local Government Employee-Management Relations Board that are in force on June 30, 2003, remain in force until amended by the Public Employee-Management Relations Board. Such regulations may be enforced by the Public Employee-Management Relations Board.

3. Any contracts or other agreements entered into by the Local Government Employee-Management Relations Board are binding on and may be enforced by the Public Employee-Management Relations Board.

Sec. 83.7. To the extent not inconsistent with the provisions of this act, the rules and regulations of the Local Government Employee-Management Relations Board that are in force on June 30, 2003, apply to collective bargaining agreements between the Executive Department as defined in section 3.1 of this act and employees as defined in section 10 of this act entered into pursuant to this act until the rules and regulations are amended by the Public Employee-Management Relations Board. For the purposes of this section, any reference in those rules and regulations to:

1. A local government employee shall be deemed to include an employee as defined in section 10 of this act.

2. A local government employer shall be deemed to include the Executive Department as defined in section 3.1 of this act.".

Amend sec. 84, page 51, by deleting line 26 and inserting:

"Sec. 84. 1. This section and section 82 of this act become effect upon passage and approval.

2. Sections 1 to 81, inclusive, 83, 83.3 and 83.7 of this act become effective upon passage and approval for the purpose of adopting regulations and on July 1, 2003, for all other purposes.".

Amend the bill as a whole by deleting the text of the repealed section and adding the leadlines of repealed sections to read as follows:

"

LEADLINES OF REPEALED SECTIONS

288.010 Short title.
288.025 "Administrative employee" defined.
288.027 "Bargaining agent" defined.
288.028 "Bargaining unit" defined.
288.033 "Collective bargaining" defined.

288.063 "Mediation" defined.

288.067 "Recognition" defined.

288.075 "Supervisory employee" defined.

288.230 Legislative declaration; illegality of strikes.

288.240 Injunctive relief against strike or threatened strike.

288.250 Punishment of employee organization, officer or employee by court for commencement or continuation of strike in violation of order.

288.260 Punishment of employee by employer for commencement or continuation of strike or violation in violation of court's order.".

Amend the title of the bill by deleting the second and third lines and inserting: "bargaining for certain state employees; changing the name of the Local Government Employee-Management Relations Board to the Public Employee-Management Relations Board; increasing the number of members of the Board; expanding the duties of the Board to include collective bargaining for certain state employees; providing for".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 81.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 409.

Amend the bill as a whole by renumbering section 1 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 597 is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in sections 2 and 3 of this act, unless the context otherwise requires, "intellectual property" means:*

1. A patent issued by the United States Patent and Trademark Office.

2. A copyright registered with the United States Copyright Office.

3. A copyright recognized by the common law.

Sec. 3. *1. An owner of intellectual property has a right to receive all economic benefits associated with the ownership of the intellectual property. These rights include, without limitation, the right to receive consideration for the use of the intellectual property by another person.*

2. A person is liable for the intentional interference with the prospective economic expectations of an owner of intellectual property if the person intentionally uses the intellectual property of another without the expressed authorization of the owner of the intellectual property.

3. An owner of intellectual property may proceed by suit to recover for his lost economic expectations caused by the unauthorized use of his intellectual property.

4. A court of competent jurisdiction shall, upon finding a defendant liable for the intentional interference with the prospective economic expectations of an owner of intellectual property, award to the owner of the intellectual property treble damages on all profits derived from the intentional acts of the defendant and treble damages on all damages suffered by reason of those acts.

5. In an action brought pursuant to this section, the court may award costs and attorney's fees to the prevailing party.".

Amend section 1, page 1, by deleting lines 4 through 9 and inserting: "counterfeits or imitations of it . ~~[and a]~~

2. A court of competent jurisdiction may ~~[grant]~~ *:*

(a) Grant injunctions to restrain such manufacture, use, display or sale as it deems just and reasonable under the circumstances ~~[, and may require the defendants]~~ *;*

(b) Require the defendant to pay to the owner all profits derived from ~~[his]~~ *the* wrongful acts *of the defendant* and all damages suffered by reason of these acts ~~[. The court may also order]~~ *;*

(c) Require the defendant to pay to the owner treble damages on all profits derived from the willful and wrongful acts of the defendant and treble damages on all damages suffered by reason of these acts; and

(d) Order that any".

Amend section 1, page 1, line 13, by deleting "2." and inserting "~~[2.]~~ *3*.".

Amend section 1, page 2, line 1, by deleting "*3*." and inserting "*4*.".

Amend the title of the bill, first line, by deleting "marks;" and inserting: "intellectual property; providing for the protection of intellectual property by authorizing a civil action for the unauthorized use of the intellectual property;".

Amend the summary of the bill to read as follows:

"SUMMARY—Providing for certain civil actions and remedies related to intellectual property. (BDR 52-366)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 341.

Amend section 1, page 1, line 5, by deleting "*and*".

Amend section 1, page 1, line 6, by deleting "*elector.*" and inserting "*elector; and*".

Amend section 1, page 1, between lines 6 and 7, by inserting:

"*3. On or after January 1, 2006, he is certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500 as a Category I or Category II peace officer at the time he files his declaration of candidacy for the office of sheriff.*".

Amend the title of the bill to read as follows:

"AN ACT relating to counties; providing qualifications for the county offices of sheriff and constable; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides qualifications for county offices of sheriff and constable. (BDR 20-1020)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 119.

Amend section 1, page 2, by deleting lines 2 and 3 and inserting: "*property and other interests in property, except water rights, as necessary for the establishment, control, management*".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 259.

Amend sec. 6, page 2, lines 40 and 44, by deleting "*Parliamentary*" and inserting "*Legislative*".

Amend the bill as a whole by deleting sec. 11 and renumbering sections 12 and 13 as sections 11 and 12.

Amend sec. 13, page 9, line 5, before "This" by inserting "1.".

Amend sec. 13, page 9, by deleting lines 7 and 8 and inserting: "Park Rent Review Board and adopting regulations, and on October 1, 2003, for all other".

Amend sec. 13, page 9, after line 9, by inserting:

"2. This act expires by limitation on September 30, 2007.".

Amend the title of the bill, seventh and eighth lines, by deleting: "revising the powers and duties of the State Library and Archives Administrator;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 414.

Amend sec. 2, page 2, by deleting lines 31 through 42 and inserting: "appeals in connection with any judgment, file a verified petition in the court in which the judgment was entered for an order directing payment from the Account in the amount of actual damages included in the judgment and unpaid, but not more than $25,000 per judgment and the liability of the Account may not exceed $100,000 for any licensee.".

Amend sec. 2, page 3, by deleting line 6 and inserting:

"(c) If assets are known to exist, the writ of execution that".

Amend sec. 2, page 3, by deleting lines 34 through 36.

Amend the bill as a whole by deleting sections 3 and 4 and renumbering sec. 5 as sec. 3.

Amend the title of the bill by deleting the third through eighth lines and inserting: "to manufactured housing; prohibiting certain persons who are so licensed from recovering damages from the Account for Education and Recovery Relating to Manufactured Housing under certain circumstances; and".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 365.

Amend sec. 2, page 2, line 18, by deleting: "3 to 9, inclusive," and inserting: "3, 4 and 5".

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend sec. 4, page 3, by deleting lines 15 through 33 and inserting:

"Sec. 3. *1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the association pursuant to NRS 386.430.*

2. The provisions of NRS 386.420 to 386.470, inclusive, and sections 3, 4 and 5 of this act and the regulations adopted".

Amend sec. 4, page 3, line 43, by deleting "*condition;*" and inserting "*examination;*".

Amend the bill as a whole by deleting sections 5 through 7 and renumbering sections 8 through 11 as sections 4 through 7.

Amend sec. 9, page 5, line 16, by deleting: "*The association, a*" and inserting "*A*".

Amend sec. 9, page 5, line 21, by deleting: "*4 to 9, inclusive,*" and inserting: "*3, 4 and 5*".

Amend sec. 9, page 5, by deleting lines 24 through 29 and inserting: "*inclusive, and sections 3, 4 and 5 of this act, that are more restrictive than the provisions governing eligibility and participation prescribed by the association pursuant NRS 386.430.*".

Amend sec. 10, page 5, by deleting lines 31 and 32 and inserting: "386.430 *1.* The".

Amend sec. 10, page 5, by deleting lines 36 through 38 and inserting: "*and sections 3, 4 and 5 of this act. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events.*".

Amend sec. 10, page 5, by deleting lines 41 through 43 and inserting: "*children, the association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils*".

Amend the bill as a whole by deleting sec. 12 and renumbering sections 13 and 14 as sections 8 and 9.

Amend sec. 13, page 8, by deleting lines 35 through 39.

Amend sec. 13, page 9, line 15, by deleting: "*4 to 9, inclusive,*" and inserting: "*3, 4 and 5*".

Amend the title of the bill to read as follows:

"AN ACT relating to education; providing for the participation of homeschooled children in interscholastic activities and events under certain circumstances; requiring the association formed for the purposes of controlling, supervising and regulating interscholastic events to adopt regulations governing the participation of homeschooled children; requiring the association to consult with certain homeschool advisory councils concerning the adoption and revision of such regulations; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblymen Williams and Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 353.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 383.

Amend sec. 2, pages 1 and 2, by deleting lines 3 through 6 on page 1 and lines 1 through 41 on page 2, and inserting:

"Sec. 2. *1. The Board of Regents shall prescribe a form that provides for the informed consent of students concerning the directory information that a university, university foundation, state college or community college, as applicable, makes public. The form must:*

(a) Allow each student a reasonable opportunity to indicate whether the student opts not to authorize the release or disclosure of personally identifiable information concerning the student for:

(1) Commercial purposes, without the prior written consent of the student;

(2) Noncommercial purposes, without the prior written consent of the student; or

(3) Both commercial and noncommercial purposes, without the prior written consent of the student.

(b) Inform the student that:

(1) If he does not return the form indicating that his personally identifiable information must not be released or disclosed, then it is probable that the information will be released or disclosed.

(2) If he returns the form indicating that his personally identifiable information must not be released or disclosed, then the university, university foundation, state college or community college, as applicable, will not release or disclose the information without his prior written consent.

(c) Be included with the other forms required for admission to the university, state college or community college, as applicable.

2. A university, university foundation, state college or community college shall not release, disclose or otherwise use any personally identifiable information concerning a student without the prior written consent of the student for:

(a) Commercial or noncommercial purposes if the student has returned a form indicating that he does not authorize release or disclosure for those purposes without his consent;

(b) Commercial purposes if the student has returned a form indicating that he does not authorize release or disclosure for those purposes without his consent; or

(c) Noncommercial purposes if the student has returned a form indicating that he does not authorize release or disclosure for those purposes.".

Amend sec. 2, page 2, line 42, by deleting "*4.*" and inserting "*3.*".

Amend sec. 4, page 3, line 12, by deleting "*7*" and inserting "*nine*".

Amend sec. 4, page 3, line 30, by deleting "*4*" and inserting "*6*".

Amend sec. 6, page 3, by deleting lines 38 through 41 and inserting: "pursuant to section 2 of this act to each student currently enrolled in a university, state college or community college within the University and Community College System of Nevada.".

Amend sec. 7, page 4, line 1, by deleting "Three" and inserting "Four".

Amend sec. 7, page 4, line 5, by deleting "Four" and inserting "Five".

Amend the title of the bill to read as follows:

"AN ACT relating to the University and Community College System of Nevada; providing in skeleton form for a reduction in the size of the Board of Regents; providing for the informed consent of a student enrolled in a university, state college or community college within the System concerning the public disclosure of personally identifiable information concerning the student; providing that a student may prohibit the disclosure of personally identifiable information for commercial or noncommercial uses, or both; requiring the System to provide certain informational seminars to the Board of Regents of the University of Nevada; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 422.

Amend section 1, page 1, line 3, by deleting "*A*" and inserting: "*Except as otherwise provided in subsection 2, a*".

Amend section 1, page 1, by deleting line 10 and inserting:

"*2. The provisions of subsection 1 do not apply to:*

(a) A person who, on or before December 31, 2002, filed with the Commissioner a request for authority to engage in business pursuant to this chapter;

(b) A person who, on or before December 31, 2002, controlled a thrift company licensed pursuant to this chapter; or

(c) A natural person.

3. This section does not exempt a person who seeks to acquire control of a thrift company, and is qualified to do so pursuant to this section, from any provision of this chapter.

4. For the purposes of this section:".

Amend section 1, page 2, line 2, by deleting "*and*".

Amend section 1, page 2, line 3, after "*(3)*" by inserting: "*The application for authority to engage in business pursuant to this chapter; and*

(4)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 464.

Amend section 1, page 2, by deleting lines 20 through 27 and inserting: "*evidence of a criminal offense, a police officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to his garage or other place of safekeeping that is nearest to the location of the vehicle or part of a vehicle.*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 400.

Amend sec. 3, page 2, line 11, after "*government.*" by inserting: "*The term includes, without limitation, occupied and unoccupied structures, buildings and facilities, and any other improvements owned or operated by a local government that incur operating costs.*".

Amend sec. 5, page 2, by deleting lines 27 through 31 and inserting: "*electricity and natural gas.*".

Amend sec. 5, page 2, line 32, by deleting "*3.*" and inserting "*2.*".

Amend sec. 5, page 2, by deleting lines 34 and 35.

Amend sec. 5, page 2, line 36, by deleting "*5.*" and inserting "*3.*".

Amend sec. 5, page 2, line 41, by deleting "*6.*" and inserting "*4.*".

Amend sec. 5, page 3, by deleting lines 1 and 2 and inserting:

"*(a) Costs for materials and labor required to replace old equipment with new, more efficient equipment.*".

Amend sec. 5, page 3, line 30, by deleting "*improve safety,*".

Amend sec. 5, page 3, line 34, by deleting the italicized period and inserting: "*and waste minimization.*".

Amend sec. 5, page 3, by deleting lines 35 and 36.

Amend sec. 5, page 3, line 37, by deleting "*8.*" and inserting "*5.*".

Amend sec. 8, page 4, by deleting lines 17 through 22 and inserting: "*with all applicable building codes.*".

Amend sec. 8, page 4, line 24, by deleting: "*or more than five*".

Amend sec. 8, page 4, by deleting lines 25 through 27 and inserting: "*service companies.*".

Amend sec. 8, page 5, between lines 11 and 12, by inserting: "*In selecting a qualified service company, the local government shall also consider the financial health of the qualified service company as evidenced by its financial statements and ratings and whether the qualified service company holds the appropriate licenses required for the design, engineering and construction to be completed.*".

Amend sec. 8, page 5, by deleting line 14 and inserting: "*grade operational audit.*".

Amend sec. 8, page 5, line 15, by deleting "*government.*".

Amend sec. 8, page 5, line 23, by deleting the italicized period and inserting: "*if the local government has specifically appropriated money for that purpose.*".

Amend sec. 9, page 5, line 27, by deleting "*energy*" and inserting "*operating cost*".

Amend sec. 10, page 6, line 7, by deleting "*25*" and inserting "*20*".

Amend sec. 10, page 6, by deleting lines 15 through 18.

Amend the bill as a whole by adding new sections designated sections 10.3 and 10.7, following sec. 10, to read as follows:

"Sec. 10.3. *If a performance contract entered into pursuant to sections 2 to 14, inclusive, of this act requires the employment of skilled mechanics, skilled workmen, semiskilled mechanics, semiskilled workmen or unskilled labor to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS 338.020 to 338.090, inclusive.*

Sec. 10.7. *Notwithstanding any provision of sections 2 to 14, inclusive, of this act to the contrary, a performance contract entered into pursuant to sections 2 to 14, inclusive, of this act must include a clause that sets out the rights of the local government and the qualified service company if the local government does not appropriate sufficient money for payments to be continued under the performance contract.*".

Amend sec. 11, page 6, line 19, by deleting "*governmental body*" and inserting "*government*".

Amend sec. 11, page 6, lines 21 and 22, by deleting "*governmental body*" and inserting "*government*".

Amend sec. 12, page 6, line 33, after "*2.*" by inserting: "*A performance contract must identify the methodology that the local government will use to validate the cost savings identified by the qualified service company.*

3.".

Amend sec. 16, page 7, line 25, by deleting "*21,*" and inserting "*21.5,*".

Amend sec. 17, page 7, line 30, after "*agency.*" by inserting: "*The term includes, without limitation, occupied and unoccupied structures, buildings and facilities, and any other improvements owned or operated by a using agency that incur operating costs.*".

Amend sec. 19, page 8, by deleting lines 2 through 6 and inserting: "*electricity and natural gas.*".

Amend sec. 19, page 8, line 7, by deleting "*3.*" and inserting "*2.*".

Amend sec. 19, page 8, by deleting lines 9 and 10.

Amend sec. 19, page 8, line 11, by deleting "*5.*" and inserting "*3.*".

Amend sec. 19, page 8, line 16, by deleting "*6.*" and inserting "*4.*".

Amend sec. 19, page 8, by deleting lines 20 and 21 and inserting:

"*(a) Costs for materials and labor required to replace old equipment with new, more efficient equipment.*".

Amend sec. 19, page 9, line 4, by deleting "*improve safety,*".

Amend sec. 19, page 9, line 8, by deleting the italicized period and inserting: "*and waste minimization.*".

Amend sec. 19, page 9, by deleting lines 9 and 10.

Amend sec. 19, page 9, line 11, by deleting "*8.*" and inserting "*5.*".

Amend the bill as a whole by adding a new section designated sec. 21.5, following sec. 21, to read as follows:

"Sec. 21.5. *"Using agency" means all officers, departments, institutions, boards, commissions and other agencies in the Executive Department of the State Government which derive their support from public money in whole or in part, whether the money is provided by the State of Nevada, received from the Federal Government or any branch, bureau or agency thereof, or derived from private or other sources. The term includes the University and Community College System of Nevada, but does not include the Nevada Rural Housing Authority, local governments as defined in NRS 354.474, conservation districts and irrigation districts.*".

Amend sec. 22, pages 9 and 10, by deleting lines 35 through 44 on page 9 and lines 1 and 2 on page 10, and inserting: "*applicable building codes.*

2. The State Public Works Board shall determine those companies that satisfy the requirements of qualified service companies for the purposes of sections 16 to 29, inclusive, of this act. In making such a determination, the State Public Works Board shall enlist the assistance of the staffs of the Office of Energy within the Office of the Governor, the Buildings and Grounds Division of the Department of Administration and the Purchasing Division. The State Public Works Board shall prepare and issue a request for qualifications to not less than three potential qualified service companies.".

Amend sec. 22, page 10, lines 3 and 4, by deleting "*Purchasing Division:*" and inserting: "*State Public Works Board:*".

Amend sec. 22, page 10, line 5, after "*one*" by inserting "*potential*".

Amend sec. 22, page 10, lines 7 and 8, by deleting: "*qualified service company,*" and inserting "*companies*".

Amend sec. 22, page 10, line 9, by deleting the italicized comma.

Amend sec. 22, page 10, by deleting lines 10 and 11 and inserting:

"*4. The State Public Works Board shall use objective criteria to determine those companies that satisfy the requirements of qualified service companies. The objective criteria for*".

Amend sec. 22, page 10, line 13, by deleting: "*the qualified service company:*" and inserting "*such companies:*".

Amend sec. 22, page 10, line 29, by deleting "*Purchasing Division*" and inserting: "*State Public Works Board*".

Amend sec. 22, page 10, line 30, be deleting: "*the qualified service*" and inserting "*a*".

Amend sec. 22, page 10, by deleting lines 32 through 34 and inserting: "*In determining whether a company satisfies the requirements of a qualified service company, the State Public Works Board shall also consider the financial health of the company as evidenced by its financial statements and ratings and whether the company holds the appropriate licenses required for the design, engineering and construction which would be completed pursuant to a performance contract.*

5. The State Public Works Board shall compile a list of those companies that it determines satisfy the requirements of qualified service companies. The Purchasing Division shall work directly with any using agency interested in entering into a performance contract, using the list of qualified service companies compiled by the State Public Works Board. The Purchasing Division, in conjunction with the using agency, shall coordinate an opportunity for each such appropriate qualified service company to:

(a) Perform a preliminary and comprehensive audit and assessment of all potential operating cost-savings measures that might be implemented within the buildings of the using agency, including any operating cost-savings measures specifically requested by the using agency; and

(b) Submit a proposal and make a related presentation to the using agency for all such operating cost-savings measures that the qualified service company determines would be practicable to implement.

Based on such proposals and presentations, the using agency may select the qualified service company that the using agency believes is the most responsive to the needs of the using agency and may, under the direction of the Purchasing Division, enter into a performance contract with that qualified service company.

6. A qualified service company selected by a using agency pursuant to subsection 5 shall prepare a financial-grade operational audit.".

Amend sec. 22, page 10, line 35, by deleting "*Division.*".

Amend sec. 22, page 11, line 2, by deleting "*whom*" and inserting "*which*".

Amend sec. 22, page 11, between lines 3 and 4, by inserting:

"*7. If the staff of a using agency does not possess sufficient technical expertise to review and select appropriate operating cost-savings measures in coordination with a qualified service company, the Purchasing Division, upon the request of the using agency, shall procure sufficient funding from*

the qualified service company, through negotiation, to retain the professional services of a third-party consultant with the requisite technical expertise. Such a third-party consultant must be certified by the Association of Energy Engineers as a "Certified Energy Manager" or hold similar credentials from a comparable nationally recognized organization. A third-party consultant retained pursuant to this subsection shall work on behalf of the using agency in coordination with the qualified service company.".

Amend sec. 23, page 11, line 7, by deleting "*energy*" and inserting "*operating cost*".

Amend sec. 24, page 11, by deleting lines 23 through 29 and inserting:

"Sec. 24. *1. Notwithstanding any provision of sections 16 to 29, inclusive, of this act to the contrary, a performance contract entered into pursuant to sections 16 to 29, inclusive, of this act does not create a debt for the purposes of Section 3 of Article 9 of the Nevada Constitution.*

2. Except as otherwise provided in this section, the term of a performance contract may extend beyond the biennium in which the contract is executed, provided that the performance contract contains a provision which states that all obligations of the State under the performance contract are extinguished at the end of any fiscal year if the Legislature fails to provide an appropriation to the using agency for the ensuing fiscal year for payments to be made under the performance contract. If the Legislature fails to appropriate money to a using agency for a performance contract, there is no remedy against the State, except that if a security interest in any property was created pursuant to the performance contract, the holder of such a security interest may enforce the security interest against that property. The term of a performance contract must not exceed 20 years.

3. The length of a performance contract may reflect the useful life of the operating cost-savings measure being installed or purchased under the performance contract.".

Amend sec. 25, page 11, by deleting lines 34 through 42.

Amend sec. 25, page 11, line 43, by deleting "*3.*" and inserting "*2.*".

Amend sec. 25, page 12, by deleting lines 3 through 6.

Amend sec. 26, page 12, by deleting lines 7 through 13 and inserting:

"Sec. 26. *If a performance contract entered into pursuant to sections 16 to 29, inclusive, of this act requires the employment of skilled mechanics, skilled workmen, semiskilled mechanics, semiskilled workmen or unskilled labor to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS 338.020 to 338.090, inclusive.*".

Amend the bill as a whole by adding new sections designated sections 29.3 through 29.7, following sec. 29, to read as follows:

"Sec. 29.3. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 7 and NRS 338.1906 *,* ~~[and 338.1907,]~~ this state, or a local government that awards a contract for the construction, alteration or repair of a public work in

accordance with paragraph (a) of subsection 1 of NRS 338.1373, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents the State or the local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 7, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Each advertisement for bids must include a provision that sets forth:

(a) The requirement that a contractor must be qualified pursuant to NRS 338.1379 to bid on the contract or must be exempt from meeting such qualifications pursuant to NRS 338.1383; and

(b) The period during which an application to qualify as a bidder on the contract must be submitted.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379, unless the bidder is exempt from meeting such qualifications pursuant to NRS 338.1383;

(b) The bidder is not responsive;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(d) The public interest would be served by such a rejection.

6. Before the State or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the State or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the State or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the State or the local government expects to save by rejecting the bids and performing the project itself.

7. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; or

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727.

Sec. 29.5. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 6 *,* ~~[and NRS 338.1907,]~~ a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents that local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 6, a local government that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The local government shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the local

government to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(c) The public interest would be served by such a rejection.

5. Before a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the project itself.

6. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; or

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive.

Sec. 29.7. NRS 338.1907 is hereby repealed.”.

Amend sec. 30, page 13, line 10, before “This” by inserting “1.”.

Amend sec. 30, page 13, after line 10, by inserting:

“2. Sections 29.3 and 29.5 of this act expire by limitation on May 1, 2013.”.

Amend the bill as a whole by adding the text of repealed section, following sec. 30, to read as follows:

“

TEXT OF REPEALED SECTION

338.1907 Retrofitting of local governmental buildings for energy efficiency: Duties of energy retrofit coordinators and local governments; procedures for requesting and approving proposals; projects exempt from certain procedural requirements.

1. The governing body of a local government may designate one or more energy retrofit coordinators for the buildings occupied by the local government.

2. If such a coordinator is designated, upon request by or consultation with an officer or employee of the local government who is responsible for the budget of a department, board, commission or other entity of the local government, the coordinator may request the approval of the governing body to advertise a request for proposals to retrofit a building, or any portion thereof, that is occupied by the department, board, commission or other entity, to make the use of energy in the building, or portion thereof, more efficient.

3. Upon approval of the governing body, the coordinator shall prepare a request for proposals for the retrofitting of one or more buildings, or any portion thereof, which includes:

(a) The name and location of the coordinator;

(b) A brief description of the requirements for the initial audit of the use of energy and the retrofitting;

(c) Where and how specifications of the requirements for the initial audit of the use of energy and the retrofitting may be obtained;

(d) The date and time not later than which proposals must be received by the coordinator; and

(e) The date and time when responses will be opened.

4. The request for proposals must be published in at least one newspaper of general circulation in the county in which the local government is located.

5. After receiving the proposals but before making a decision on the proposals, the coordinator shall consider:

(a) The best interests of the local government;

(b) The experience and financial stability of the persons submitting the proposals;

(c) Whether the proposals conform with the terms of the request for proposals;

(d) The prices of the proposals; and

(e) Any other factor disclosed in the request for proposals.

6. The coordinator shall determine the relative weight of each factor before a request for proposals is advertised. The weight of each factor must

not be disclosed before the date proposals are required to be submitted to the coordinator.

7. After reviewing the proposals, if the coordinator determines that sufficient energy could be saved to justify retrofitting the building or buildings, or portion thereof, the coordinator shall select the best proposal and request the approval of the governing body to award the contract. The request for approval must include the proposed method of financing the audit and retrofit, which may include an installment contract, a shared savings contract or any other contract for a reasonable financing arrangement. Such a contract may commit the local government to make payments beyond the fiscal year in which the contract is executed or beyond the terms of office of the governing body, or both.

8. Before approving a retrofit pursuant to this section, the governing body shall evaluate any projects that would utilize shared savings as a method of payment or any method of financing that would commit the local government to make payments beyond the fiscal year in which the contract is executed or beyond the terms of office of the governing body to ensure that:

(a) The amount of energy to be saved will likely justify the cost of the retrofit; and

(b) The local government is likely to continue to occupy the building for the entire period required to recoup the cost of the retrofit in energy savings.

9. Upon approval of the governing body, the coordinator shall execute the contract and notify each officer or employee who is responsible for the budget of a department, board, commission or other entity which occupies a portion of a building that will be retrofitted of the amount of money it will be required to pay annually for its portion of the retrofit.

10. NRS 338.1385 and 338.143 do not apply to a project for which a request for proposals is advertised and the contract is awarded pursuant to the provisions of this section.”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 408.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 401.

Amend section 1, page 2, by deleting lines 23 and 24 and inserting:

“*(a) Made of cloth, fabric or paper;*

(b) Displayed from a pole or staff or in a window; and

(c) Displayed in a manner that is consistent with 4 U.S.C. chapter 1.”.

Amend sec. 3, page 3, by deleting lines 6 and 7 and inserting:

“*(a) Made of cloth, fabric or paper;*

(b) Displayed from a pole or staff or in a window; and

(c) Displayed in a manner that is consistent with 4 U.S.C. chapter 1.".

Amend sec. 4, page 3, by deleting lines 20 and 21 and inserting:

"*2. The provisions of this section do not:*

(a) Apply to the display of the flag of the United States for commercial advertising purposes.

(b) Preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the placement and manner of display of the flag of the United States by a unit's owner.".

Amend sec. 4, page 3, by deleting lines 27 and 28 and inserting:

"*(a) Made of cloth, fabric or paper;*

(b) Displayed from a pole or staff or in a window; and

(c) Displayed in a manner that is consistent with 4 U.S.C. chapter 1.".

Amend sec. 5, page 3, by deleting lines 40 and 41 and inserting:

"*2. The provisions of this section do not:*

(a) Apply to the display of the flag of the United States for commercial advertising purposes.

(b) Preclude a landlord or an agent or employee of a landlord from adopting rules that reasonably restrict the placement and manner of display of the flag of the United States by a tenant.".

Amend sec. 5, page 4, by deleting lines 3 and 4 and inserting:

"*(a) Made of cloth, fabric or paper;*

(b) Displayed from a pole or staff or in a window; and

(c) Displayed in a manner that is consistent with 4 U.S.C. chapter 1.".

Amend sec. 8, page 6, by deleting lines 9 and 10 and inserting:

"*2. The provisions of this section do not:*

(a) Apply to the display of the flag of the United States for commercial advertising purposes.

(b) Preclude a landlord or an agent or employee of a landlord from adopting rules that reasonably restrict the placement and manner of display of the flag of the United States by a tenant.".

Amend sec. 8, page 6, by deleting lines 16 and 17 and inserting:

"*(a) Made of cloth, fabric or paper;*

(b) Displayed from a pole or staff or in a window; and

(c) Displayed in a manner that is consistent with 4 U.S.C. chapter 1.".

Amend the title of the bill, fifteenth line, after "exclusively;" by inserting: "allowing the imposition of reasonable restrictions with respect to the placement and manner of display of the flag;".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 419.
Bill read second time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 256.
Amend section 1, page 1, line 4, after "*operated*" by inserting "*exclusively*".
Amend section 1, page 1, line 5, after "*person*" by inserting: "*who will work 36 hours or more per week and who will have access to all dwelling units*".
Amend section 1, page 2, line 7, by deleting: "*renewed each year.*" and inserting: "*renewed:*
(a) Every 5 years; and
(b) Whenever the person changes his employment to perform work for an employer other than the employer for which his current work card was issued.".
Amend section 1, page 2, line 14, by deleting "*report; and*" and inserting "*report.*".
Amend section 1, page 2, between lines 18 and 19, by inserting:
"*(c) The sheriff shall issue a temporary work card pending the determination of the criminal history of the applicant by the Federal Bureau of Investigation.*".
Amend sec. 2, page 2, line 31, before "must" by inserting: "who works 36 hours or more per week and who has access to all dwelling units".
Amend the title of the bill, second line, after "operated" by inserting "exclusively".
Amend the summary of the bill to read as follows:
"SUMMARY—Provides that landlord of dwelling units intended and operated exclusively for persons 55 years of age and older may not employ person to perform work on premises unless person has work card issued by sheriff. (BDR 10-833)".
Assemblyman Goldwater moved the adoption of the amendment.
Remarks by Assemblyman Goldwater.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 438.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 257.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 616D, inclusive, of NRS for a permanent total disability caused by an industrial injury or a disablement from an occupational disease that occurs on or after January 1, 2004, the claimant or dependent is entitled to an annual increase in that compensation in the amount of 2.3 percent. The compensation must be increased pursuant to this section:

(a) On January 1 of the year immediately after the year in which the claimant or dependent becomes entitled to receive that compensation; and

(b) On January 1 of each successive year after the year specified in paragraph (a) in which the claimant or dependent is entitled to receive that compensation.

2. Any increase in compensation provided pursuant to this section is in addition to any increase in compensation to which a claimant or a dependent of a claimant is otherwise entitled by law.

Sec. 2. This act becomes effective on January 1, 2004.".

Amend the title of the bill to read as follows:

"AN ACT relating to industrial insurance; requiring an annual increase in the amount of compensation that a claimant or a dependent of a claimant is entitled to receive for a permanent total disability under industrial insurance; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires annual increase in amount of compensation that claimant or dependent of claimant is entitled to receive for permanent total disability under industrial insurance. (BDR 53-1162)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 446.

Amend sec. 3, page 2, by deleting line 10 and inserting: "*the appurtenant land increased in one or more of the last assessments at such a*".

Amend sec. 3, page 2, by deleting line 14 and inserting: "*increased in one or more of the last assessments at such a rate as to create a severe*".

Amend sec. 3, page 2, by deleting line 18 and inserting: "*property taxes assessed as a result of one or more of the last assessments in which*".

Amend sec. 3, page 2, by deleting lines 22 through 24 and inserting: "*other purchasers who are exempt from property taxes.*".

Amend sec. 4, page 3, by deleting lines 21 through 26 and inserting:

"3. The county assessor shall grant the abatement if he determines that the facts in his possession indicate to him that the value of the land appurtenant to a single family dwelling has increased at a rate that has created a severe economic hardship for the applicant. Such a decision is in the sole discretion of the county assessor.

4. If the county assessor denies an application, he shall send to the applicant a written notice of his determination within 10 days after the determination is made.".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 457.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 405.

Amend sec. 5, page 3, by deleting line 8 and inserting: "~~[,]~~ *and subsection 2,* a person who owes a debt of more than $200".

Amend the title of the bill by deleting the tenth through twelfth lines and inserting: "increasing the maximum amount that certain debtors may be required to pay as reimbursement for the costs and fees actually incurred to collect the debts; authorizing the State".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 267 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 29 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 206.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 255.

Amend section 1, page 2, line 13, after "disability." by inserting: "*The total amount of the allowable deduction includes, without limitation, compensation for a permanent partial disability that was deducted from:*

(1) Any compensation the employee received for a temporary total disability; or

(2) Any other compensation received by the employee.".

Amend section 1, pages 2 and 3, by deleting lines 35 through 45 on page 2 and lines 1 through 13 on page 3, and inserting:

"~~[compensation for the permanent total disability must be reduced as follows:~~

~~(a) If the employee has not received a minimum lump sum, the insurer of the employee's employer shall deduct from the compensation for the permanent total disability an amount equal to the monthly installment rate for awards for permanent partial disability until the insurer has deducted an amount that equals the amount it has already paid out as a lump sum; or~~

~~(b) If the employee received a minimum lump sum, the~~] insurer of the employee's employer shall *recover pursuant to this subsection the actual amount of the lump sum paid to the employee for the permanent partial disability. The insurer shall not recover from the employee, whether by deductions or single payment, or a combination of both, more than the actual amount of the lump sum paid to the employee. To recover the actual amount of the lump sum, the insurer shall:*

(a) Unless the employee submits a request described in paragraph (b), deduct from the compensation for the permanent total disability an amount ~~[of]~~ *that is* not more than 10 percent of the rate of compensation for a permanent total disability until the *actual amount of the* lump sum *paid to the employee for the permanent partial disability* is recovered ~~[.~~

~~The provisions of this subsection are retroactive for all claims for compensation for a permanent total disability remaining open on January 1, 2000.]~~ *; or*

(b) Upon the request of the employee, accept in a single payment from the employee an amount that is equal to the actual amount of the lump sum paid to the employee for the permanent partial disability, less the actual amount of all deductions made to date by the insurer from the employee for repayment of the lump sum.".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. Each insurer who, pursuant to subsection 4 of NRS 616C.440, made a deduction from any compensation paid for a permanent total disability on a claim that was open on or after January 1, 2000, and before July 1, 2003, shall, as soon as practicable on or after July 1, 2003, recalculate the amount of the lump sum required to be repaid by the employee pursuant to the amendatory provisions of subsection 4 of section 1 of this act. In making the recalculation, the insurer shall determine the total of all of the actual amounts of all deductions made from the compensation paid to the employee pursuant to subsection 1 or 4 of NRS 616C.440 for the permanent total disability and subtract that amount from the actual amount of the lump sum paid to the employee for the permanent partial disability. The resulting amount is the maximum amount that the insurer may require the employee to repay for the lump sum for the permanent partial disability. Upon completing the recalculation required pursuant to this subsection, the insurer shall notify each employee for whom a recalculation was made of the results of the recalculation, including, without limitation, the actual amounts of all deductions and lump sums and the method or manner of recalculation.

2. If, after making a recalculation pursuant to subsection 1, an insurer determines that an employee has repaid an amount that is more than the actual amount of the lump sum paid to the employee for the permanent partial disability, the insurer shall immediately refund the amount of the overpayment to the employee.

3. If an insurer determines that an employee is entitled to a refund pursuant to subsection 2, and if the employee's claim is closed on or before the date the insurer makes the determination, the insurer shall:

(a) To the greatest extent practicable, locate the employee or, if the employee is deceased, the administrator or executor of the estate of the employee, if any; and

(b) Deliver the refund to the employee, administrator or executor.

4. If an insurer is unable to deliver a refund pursuant to subsection 3, the insurer shall submit a written notice to the Division of Industrial Relations of the Department of Business and Industry. The written notice must be submitted within 10 days after the insurer determines it is unable to deliver the refund and must include, without limitation:

(a) The name of the employee; and

(b) A statement indicating that:

(1) The employee is entitled to a refund pursuant to subsection 2; and

(2) The insurer was unable to deliver the refund pursuant to subsection 3.".

Amend the title of the bill to read as follows:

"AN ACT relating to industrial insurance; revising provisions governing deductions from compensation for a permanent total disability; prohibiting the recovery by an insurer of more than the actual amount of a lump sum paid to an employee for a permanent partial disability when the employee is compensated for a permanent total disability; authorizing an employee to

repay in a single payment the actual amount of a lump sum paid to an employee for a permanent partial disability; requiring insurers to refund to certain employees the amounts the employees overpaid when repaying lump sums for permanent partial disabilities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to payment for permanent total disabilities. (BDR 53-1103)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 280.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 415.

Amend section 1, page 1, by deleting lines 10 through 16 and inserting:

"*(b) The payment of at least $2,000 for all losses arising out of an injury to any one person, consisting of at least $2,000 for medical expenses.*".

Amend section 1, page 2, lines 1 and 2, by deleting: "*law:*

(a) A" and inserting "*law, a*".

Amend section 1, page 2, by deleting lines 7 through 9.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 284.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 416.

Amend sec. 7, pages 2 and 3, by deleting lines 38 through 43 on page 2 and lines 1 through 26 on page 3, and inserting: "*loan, any credit insurance.*".

Amend sec. 8, page 3, line 34, by deleting "*person*" and inserting "*lender*".

Amend sec. 9, page 4, between lines 13 and 14, by inserting:

"*3. A local government shall not regulate any activity to which the provisions of this chapter apply.*".

Amend the bill as a whole by deleting sec. 10 and adding a new section designated sec. 10, following sec. 9, to read as follows:

"Sec. 10. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the trustor may not direct the trustee to exercise a power of sale pursuant to NRS 107.080 if:

(a) The trust agreement becomes effective on or after October 1, 2003; and

(b) On the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Homeownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32.

2. This section does not prohibit a judicial foreclosure.".

Amend the bill as a whole by deleting sections 12 and 13, renumbering sec. 14 as sec. 26 and adding new sections designated sections 12 through 25, following sec. 11, to read as follows:

"Sec. 12. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsection 2, the board of county commissioners may:

(a) ~~[Regulate]~~ *Except as otherwise provided in section 9 of this act, regulate* all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. No license to engage in any type of business may be granted unless the applicant for the license signs an affidavit affirming that the business has complied with the provisions of chapter 364A of NRS. The county license board shall provide upon request an application for a business license pursuant to chapter 364A of NRS.

4. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

5. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced in the following manner:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

6. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation for the exchange of information concerning taxpayers.

Sec. 13. NRS 266.355 is hereby amended to read as follows:

266.355 1. Except as otherwise provided in subsection 3, the city council may:

(a) ~~[Regulate]~~ *Except as otherwise provided in section 9 of this act, regulate* all businesses, trades and professions.

(b) Except as otherwise provided in NRS 576.128, fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The city council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

3. The city council may license insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

Sec. 14. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in NRS 576.128 [,] *and section 9 of this act,* the town board or board of county commissioners may in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodginghouses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

Sec. 15. Section 2.140 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 60, is hereby amended to read as follows:

Sec. 2.140 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) ~~[Regulate]~~ *Except as otherwise provided in section 9 of this act, regulate* all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The City Council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

Sec. 16. Section 2.150 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 608, is hereby amended to read as follows:

Sec. 2.150 Powers of Board of Councilmen: Licensing, regulation and prohibition of businesses, trades and professions.

1. The Board of Councilmen may:

(a) ~~[Regulate]~~ *Except as otherwise provided in section 9 of this act, regulate* all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. No person licensed by an agency of the State of Nevada to practice any trade or profession except gaming may be denied a license to conduct his profession.

3. The Board of Councilmen may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

Sec. 17. Section 2.260 of the Charter of the City of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 96, Statutes of Nevada 1997, at page 181, is hereby amended to read as follows:

Sec. 2.260 Power of Board: Licensing, regulation and prohibition of trades, professions and businesses.

1. ~~[The]~~ *Except as otherwise provided in section 9 of this act, the* Board may fix, impose and collect a license tax for revenue upon, or regulate:

(a) Or both, all trades, callings, professions and businesses, conducted in whole or in part within Carson City, except that no person licensed by an agency of the State of Nevada to practice any profession except gaming may be denied a license to conduct his profession or required to pay a license tax except for revenue.

(b) Or both, all businesses selling alcoholic liquors at wholesale or retail, or prohibit or suppress such businesses.

(c) Or prescribe the location of all gaming establishments, or any combination of these, or may prohibit gambling and gaming of all kinds, and all games of chance.

2. The Board may provide for the issuance of all licenses authorized in this section and the time and manner in which they will be issued.

3. The Board may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

4. The Board may, for just cause, suspend, cancel or revoke any business license.

Sec. 18. Section 2.150 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 454, is hereby amended to read as follows:

Sec. 2.150 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) ~~[Regulate]~~ *Except as otherwise provided in section 9 of this act, regulate* all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The City Council may establish any equitable standard to be used in fixing license taxes collected pursuant to this section.

Sec. 19. Section 2.130 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 407, is hereby amended to read as follows:

Sec. 2.130 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) ~~[Regulate]~~ *Except as otherwise provided in section 9 of this act, regulate* all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The City Council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

Sec. 20. Section 2.150 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1398, is hereby amended to read as follows:

Sec. 2.150 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) Except as is otherwise provided in subsection 2 ~~[,]~~ *and section 9 of this act,* license and regulate all lawful businesses, trades and professions.

(b) Fix, impose and collect a license tax for regulation or for revenue, or both, upon all businesses, trades and professions and provide an equitable standard for fixing those license taxes.

(c) Suspend or revoke the license of any business, trade or profession for failing to comply with any regulation of the City in such manner as may be prescribed by ordinance.

2. No person, firm or corporation which is licensed by an agency of the State to conduct or practice any business, trade or profession, except as is otherwise provided in subsection 3, may be denied a license to conduct or practice that business, trade or profession, nor may the license be suspended or revoked, if:

(a) That person, firm or corporation complies with all of the regulations which are established by that agency and pays to the City such license taxes and related fees and posts such bond or bonds as may be prescribed by ordinance; and

(b) The location of the business, trade or profession complies with all of the requirements of all of the zoning, building, plumbing, electrical, safety and fire prevention codes or regulations of the City.

3. The City Council may provide, by ordinance, regulations which restrict the number, location and method of operation of and the qualifications for ownership in:

(a) Liquor-dispensing or gaming establishments, or both;

(b) Businesses which are engaged in the manufacture or distribution, or both, of liquor or gaming devices; and

(c) Such other businesses, trades and professions as may be declared by ordinance to be privileged,

and regulations which prescribe the circumstances under and the manner in which licenses with respect to those establishments, businesses, trades and professions may be denied, limited, suspended or revoked.

Sec. 21. Section 2.140 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1215, is hereby amended to read as follows:

Sec. 2.140 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) ~~[Regulate]~~ *Except as otherwise provided in section 9 of this act, regulate* all businesses, trades and professions.

(b) Fix, impose and collect a license fee for revenue upon all businesses, trades and professions.

2. The City Council may establish any equitable standard to be used in fixing license fees required to be collected pursuant to this section.

Sec. 22. Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2105, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the City, its residents and visitors.

(b) ~~[Regulate]~~ *Except as otherwise provided in section 9 of this act, regulate* and impose a license tax for revenue upon all businesses, trades and professions.

(c) Provide or grant franchises for public transportation and utilities.

(d) Appropriate money for advertising and publicity and for the support of a municipal band.

(e) Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State of Nevada. An offense that is made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor against the City whenever the offense is committed within the City.

(f) Fix the rate to be paid for any utility service provided by the City as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and is perfected by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

(1) Coequal with the latest lien upon the property to secure the payment of general taxes.

(2) Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunications service to the general public.

5. As used in this section:

(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on July 16, 1997.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

Sec. 23. Section 2.090 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 129, Statutes of Nevada 1993, at page 230, is hereby amended to read as follows:

Sec. 2.090 Powers of City Council: General areas. The City Council may exercise any power specifically granted in this Charter or by any of the provisions of Nevada Revised Statutes not in conflict with this Charter, in order to:

1. ~~[License]~~ *Except as otherwise provided in section 9 of this act, license* all businesses, trades and professions for purposes of regulation and revenue.

2. Enact and enforce fire ordinances.

3. Regulate the construction and maintenance of any building or other structure within the City.

4. Provide for safeguarding of public health in the City.

5. Zone and plan the City, including the regulation of subdivision of land, as prescribed by chapter 278 of NRS.

6. Acquire, control, lease, dedicate, sell and convey rights of way, parks and other real property.

7. Regulate vehicular traffic and parking of vehicles.

8. Establish and maintain a sanitary sewer system.

9. Condemn property within the territorial limits of the City, as well as property outside the territorial limits of the City, in the manner prescribed by chapter 37 of NRS.

10. Regulate, prescribe the location for, prohibit or suppress all businesses selling alcoholic liquors at wholesale or retail.

11. Regulate, prescribe the location for, prohibit or suppress gaming of all kinds.

Sec. 24. Section 2.150 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 463, is hereby amended to read as follows:

Sec. 2.150 Powers of Board of Councilmen: Licensing, regulation and prohibition of businesses, trades and professions.

1. The Board of Councilmen may:

(a) ~~[Regulate]~~ *Except as otherwise provided in section 9 of this act, regulate* all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. No person licensed by an agency of the State of Nevada to practice any trade or profession except gaming may be denied a license to conduct his profession.

3. The Board of Councilmen may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

Sec. 25. Section 2.140 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 906, is hereby amended to read as follows:

Sec. 2.140 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) ~~[Regulate]~~ *Except as otherwise provided in section 9 of this act, regulate* all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The City Council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.".

Amend sec. 14, page 6, line 18, by deleting:

"12 and 13".

Amend the title of the bill to read as follows:

"AN ACT relating to property; prohibiting certain acts by lenders of home loans as unfair lending practices; providing for enforcement by the Attorney General; prohibiting a trustor from directing a trustee to exercise a power of sale of real property under certain circumstances; prohibiting certain agencies, boards, commissions or political subdivisions from regulating certain acts relating to lending; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 297.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 452.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

"Section 1. The Legislature hereby finds and declares that:

1. Federal law concerning payments made pursuant to 42 U.S.C. § 1396r-4, otherwise known as "disproportionate share payments," are a critical source of income for hospitals, particularly public hospitals.

2. To ensure that certain hospitals can depend upon the revenue from this source, the Legislature has periodically established base payments to the hospitals in a fiscal year.

3. Because of the unique geographic, financial and organizational characteristics of these hospitals, a general law establishing base disproportionate share payments cannot be made applicable.

Sec. 2. NRS 422.380 is hereby amended to read as follows:

422.380 As used in NRS 422.380 to 422.390, inclusive, unless the context otherwise requires:

1. *"Disproportionate share payment" means a payment made pursuant to 42 U.S.C. § 1396r-4.*

2. "Hospital" has the meaning ascribed to it in NRS 439B.110 and includes public and private hospitals.

~~[2.]~~ *3.* "Public hospital" means:

(a) A hospital owned by a state or local government, including, without limitation, a hospital district; or

(b) A hospital that is supported in whole or in part by tax revenue, other than tax revenue received for medical care which is provided to Medicaid patients, indigent patients or other low-income patients.

Sec. 3. NRS 422.382 is hereby amended to read as follows:

422.382 1. In a county *whose population is 100,000 or more* within which:

(a) A public hospital is located, the state or local government or other entity responsible for the public hospital shall transfer an amount equal to ~~[75]~~ *:*

(1) Seventy percent of the total amount *of disproportionate share payments* distributed to ~~[that hospital]~~ *all hospitals* pursuant to NRS 422.387 for a fiscal year, less ~~[$75,000,]~~ *$1,050,000; or*

(2) Sixty-eight and fifty-four one hundredths percent of the total amount of disproportionate share payments distributed to all hospitals pursuant to NRS 422.387 for a fiscal year,

whichever is less, to the Division of Health Care Financing and Policy.

(b) A private hospital which receives a *disproportionate share* payment pursuant to ~~[:~~

~~(1) Paragraph (b)]~~ *paragraph (c)* of subsection 2 of NRS 422.387 is located, the county shall transfer ~~[:~~

~~(I) Except as otherwise provided in sub-subparagraph (II), an amount equal to 75 percent of the total amount distributed to that hospital pursuant to paragraph (b) of subsection 2 of NRS 422.387 for a fiscal year; or~~

~~(II) An amount established by the Legislature for a fiscal year,~~] *1.95 percent of the total amount of disproportionate share payments distributed to all hospitals pursuant to NRS 422.387 for a fiscal year, but not more than $1,500,000,* to the Division of Health Care Financing and Policy.

~~[(2) Paragraph (c) of subsection 2 of NRS 422.387 is located, the county shall transfer:~~

~~(I) An amount equal to 75 percent of the total amount distributed to that hospital pursuant to that paragraph for a fiscal year, less $75,000; or~~

~~(II) Any maximum amount established by the Legislature for a fiscal year, whichever is less, to the Division of Health Care Financing and Policy.~~]

2. A county that transfers the amount required pursuant to ~~[subparagraph (1) of]~~ paragraph (b) of subsection 1 to the Division of Health Care

Financing and Policy is discharged of the duty and is released from liability for providing medical treatment for indigent inpatients who are treated in the hospital in the county that receives a payment pursuant to paragraph ~~[(b)]~~ *(c)* of subsection 2 of NRS 422.387.

3. The money transferred to the Division of Health Care Financing and Policy pursuant to subsection 1 must not come from any source of funding that could result in any reduction in revenue to the State pursuant to 42 U.S.C. § 1396b(w).

4. Any money collected pursuant to subsection 1, including any interest or penalties imposed for a delinquent payment, must be deposited in the State Treasury for credit to the Intergovernmental Transfer Account in the State General Fund to be administered by the Division of Health Care Financing and Policy.

5. The interest and income earned on money in the Intergovernmental Transfer Account, after deducting any applicable charges, must be credited to the Account.

Sec. 4. NRS 422.385 is hereby amended to read as follows:

422.385 1. The allocations and payments required pursuant to subsections 1 ~~[and 2]~~ *to 5, inclusive,* of NRS 422.387 must be made, to the extent allowed by the State Plan for Medicaid, from the Medicaid Budget Account.

2. Except as otherwise provided in subsection 3 and subsection ~~[3]~~ *6* of NRS 422.387, the money in the Intergovernmental Transfer Account must be transferred from that Account to the Medicaid Budget Account to the extent that money is available from the Federal Government for proposed expenditures, including expenditures for administrative costs. If the amount in the Account exceeds the amount authorized for expenditure by the Division of Health Care Financing and Policy for the purposes specified in NRS 422.387, the Division of Health Care Financing and Policy is authorized to expend the additional revenue in accordance with the provisions of the State Plan for Medicaid.

3. If enough money is available to support Medicaid and to make the payments required by subsection ~~[3]~~ *6* of NRS 422.387, money in the Intergovernmental Transfer Account may be transferred:

(a) To an account established for the provision of health care services to uninsured children pursuant to a federal program in which at least 50 percent of the cost of such services is paid for by the Federal Government, including, without limitation, the Children's Health Insurance Program; or

(b) To carry out the provisions of NRS 439B.350 and 439B.360.

Sec. 5. NRS 422.387 is hereby amended to read as follows:

422.387 1. Before making the payments required or authorized by this section, the Division of Health Care Financing and Policy shall allocate money for the administrative costs necessary to carry out the provisions of NRS 422.380 to 422.390, inclusive. The amount allocated for administrative costs must not exceed the amount authorized for expenditure by the

Legislature for this purpose in a fiscal year. The Interim Finance Committee may adjust the amount allowed for administrative costs.

2. The State Plan for Medicaid must provide ~~[~~:

~~(a) For]~~ *for* the payment of the maximum amount *of disproportionate share payments* allowable under federal law and regulations . ~~[after making any payments pursuant to paragraphs (b) and (c), to public hospitals for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients, unless such payments are subsequently limited by federal law or regulation.~~

~~(b) For a payment in an amount approved by the Legislature to the private hospital that provides the largest volume of medical care to Medicaid patients, indigent patients or other low-income patients in a county that does not have a public hospital.~~

~~(c) For a payment to each private hospital whose Medicaid utilization percentage is greater than the average for all the hospitals in this state and which is located in a county that has a public hospital, in an amount equal to:~~

~~(1) If the Medicaid utilization percentage of the hospital is greater than 20 percent, $200 for each uncompensated day incurred by the hospital; and~~

~~(2) If the Medicaid utilization percentage of the hospital is 20 percent or less, $100 for each uncompensated day incurred by the hospital.]~~ *The State Plan for Medicaid must provide that for:*

(a) All public hospitals in counties whose population is 400,000 or more, the total annual disproportionate share payments are $66,650,000 plus 90 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds $76,000,000;

(b) All private hospitals in counties whose population is 400,000 or more, the total annual disproportionate share payments are $1,200,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds $76,000,000;

(c) All private hospitals in counties whose population is 100,000 or more but less than 400,000, the total annual disproportionate share payments are $4,800,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds $76,000,000;

(d) All public hospitals in counties whose population is less than 100,000, the total annual disproportionate share payments are $900,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds $76,000,000; and

(e) All private hospitals in counties whose population is less than 100,000, the total annual disproportionate share payments are $2,450,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds $76,000,000.

3. The State Plan for Medicaid must provide for a base payment in an amount determined pursuant to subsections 4 and 5. Any amount set forth in each paragraph of subsection 2 that remains after all base payments have

been distributed must be distributed to the hospital within that paragraph with the highest uncompensated care percentage in an amount equal to either the amount remaining after all base payments have been distributed or the amount necessary to reduce the uncompensated care percentage of that hospital to the uncompensated care percentage of the hospital in that paragraph with the second highest uncompensated care percentage, whichever is less. Any amount set forth in subsection 2 that remains after the uncompensated care percentage of the hospital with the highest uncompensated care percentage in a paragraph has been reduced to equal the uncompensated care percentage of the hospital in that paragraph with the second highest uncompensated care percentage must be distributed equally to the two hospitals with the highest uncompensated care percentage in that paragraph until their uncompensated care percentages are equal to the uncompensated care percentage of the hospital with the third highest uncompensated care percentage in that paragraph. This process must be repeated until all available funds set forth in a paragraph of subsection 2 have been distributed.

4. Except as otherwise provided in subsection 5, the base payments for the purposes of subsection 3 are:

(a) For the University Medical Center of Southern Nevada, $66,531,729;

(b) For Washoe Medical Center, $4,800,000;

(c) For Carson-Tahoe Hospital, $1,000,000;

(d) For Northeastern Nevada Regional Hospital, $500,000;

(e) For Churchill Community Hospital, $500,000;

(f) For Humboldt General Hospital, $215,109;

(g) For William Bee Ririe Hospital, $204,001;

(h) For Mt. Grant General Hospital, $195,838;

(i) For South Lyon Medical Center, $174,417; and

(j) For Nye Regional Medical Center, $115,000,

or the successors in interest to such hospitals.

5. The Plan must be consistent with the provisions of NRS 422.380 to 422.390, inclusive, and Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., and the regulations adopted pursuant to those provisions.

~~[3.]~~ *If the total amount available to the State for making disproportionate share payments is less than $76,000,000, the Administrator:*

(a) Shall adjust the amounts for each group of hospitals described in a paragraph of subsection 2 proportionally in accordance with the limits of federal law. If the amount available to hospitals in a group described in a paragraph of subsection 2 is less than the total amount of base payments specified in subsection 4, the Administrator shall reduce the base payments proportionally in accordance with the limits of federal law.

(b) Shall adopt a regulation specifying the amount of the reductions required by paragraph (a).

6. To the extent that money is available in the Intergovernmental Transfer Account, the Division of Health Care Financing and Policy shall distribute $50,000 from that Account each fiscal year to each public hospital which:

(a) Is located in a county that does not have any other hospitals; and

(b) Is not eligible for a payment pursuant to ~~[subsection 2. 4.]~~ *subsections 2, 3 and 4.*

7. As used in this section:

(a) ~~[“Medicaid utilization percentage” means the total number of days of treatment of Medicaid patients, including patients who receive their Medicaid benefits through a health maintenance organization, divided by the total number of days of treatment of all patients during a fiscal year.~~

~~(b) “Uncompensated day” means a day in which medical care is provided to an inpatient for which a hospital receives:~~

~~(1) Not more than 25 percent of the cost of providing that care from the patient; and~~

~~(2) No compensation for the cost of providing that care from any other person or any governmental program.]~~ *“Total revenue” is the amount of revenue a hospital receives for patient care and other services, net of any contractual allowances or bad debts.*

(b) “Uncompensated care costs” means the total costs of a hospital incurred in providing care to uninsured patients, including, without limitation, patients covered by Medicaid or another governmental program for indigent patients, less any payments received by the hospital for that care.

(c) “Uncompensated care percentage” means the uncompensated care costs of a hospital divided by the total revenue for the hospital.

Sec. 6. NRS 422.390 is hereby amended to read as follows:

422.390 1. The Division of Health Care Financing and Policy shall adopt regulations concerning:

(a) Procedures for the transfer to the Division of Health Care Financing and Policy of the amount required pursuant to NRS 422.382.

(b) Provisions for the payment of a penalty and interest for a delinquent transfer.

(c) Provisions for the payment of interest by the Division of Health Care Financing and Policy for late reimbursements to hospitals or other providers of medical care.

(d) Provisions for the calculation of the uncompensated care percentage for hospitals, including, without limitation, the procedures and methodology required to be used in calculating the percentage, and any required documentation of and reporting by a hospital relating to the calculation.

2. The Division of Health Care Financing and Policy shall report to the Interim Finance Committee quarterly concerning the provisions of NRS 422.380 to 422.390, inclusive.

Sec. 7. This act becomes effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act and on July 1, 2003, for all other purposes.".

Amend the title of the bill to read as follows:

"AN ACT relating to welfare; revising the provisions governing the payment of hospitals for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients; providing for the allocation and transfer of certain funding for the treatment of those patients; and providing other matters properly relating thereto.".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Assemblywoman Koivisto moved that upon return from the printer Assembly Bill No. 297 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 298.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 451.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 3 and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 4 and 5, a public officer or employee shall not request or otherwise cause a governmental entity to incur an expense or make an expenditure to support or oppose:

(a) A ballot question.

(b) A candidate.

2. For the purposes of paragraph (b) of subsection 1, an expense incurred or an expenditure made by a governmental entity shall be considered an expense incurred or an expenditure made in support of a candidate if:

(a) The expense is incurred or the expenditure is made for the creation or dissemination of a pamphlet, brochure, publication, advertisement or television programming that prominently features the activities of a current public officer of the governmental entity who is a candidate for a state, local or federal elective office; and

(b) The pamphlet, brochure, publication, advertisement or television programming described in paragraph (a) is created or disseminated during the period specified in subsection 3.

3. The period during which the provisions of subsection 2 apply to a particular governmental entity begins when a current public officer of that governmental entity files a declaration of candidacy or acceptance of candidacy and ends on the date of the general election, general city election or special election for the office for which the current public officer of the governmental entity is a candidate.

4. The provisions of this section do not prohibit the creation or dissemination of, or the appearance of a candidate in or on, as applicable, a pamphlet, brochure, publication, advertisement or television programming that:

(a) Is made available to the public on a regular basis and merely describes the functions of:

(1) The public office held by the public officer who is the candidate; or

(2) The governmental entity by which the public officer who is the candidate is employed; or

(b) Is created or disseminated in the course of carrying out a duty of:

(1) The public officer who is the candidate; or

(2) The governmental entity by which the public officer who is the candidate is employed.

5. The provisions of this section do not prohibit an expense or an expenditure incurred to create or disseminate a television program that provides a forum for discussion or debate regarding a ballot question, if persons both in support of and in opposition to the ballot question participate in the television program.

6. As used in this section:

(a) "Governmental entity" means:

(1) The government of this state;

(2) An agency of the government of this state;

(3) A political subdivision of this state; and

(4) An agency of a political subdivision of this state.

(b) "Pamphlet, brochure, publication, advertisement or television programming" includes, without limitation, a publication, a public service announcement and any programming on a television station created to provide community access to cable television. The term does not include:

(1) A press release issued to the media by a governmental entity; or

(2) The official website of a governmental entity.

(c) "Political subdivision" means a county, city or any other local government as defined in NRS 354.474.

Sec. 2. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 293.725 is hereby repealed.

TEXT OF REPEALED SECTION

293.725 Government expenditure in support of or opposition to ballot question or candidate prohibited. The government of this state or a political subdivision of this state or an agency thereof shall not incur an expense or make an expenditure to support or oppose:

1. A ballot question.

2. A candidate.".

Amend the title of the bill to read as follows:

"AN ACT relating to campaign practices; prohibiting public officers and employees from requesting or otherwise causing state and local governments to, under certain circumstances, make an expenditure to support or oppose a ballot question or a candidate; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits public officers and employees from requesting or otherwise causing state and local governments to, under certain circumstances, make expenditures to support or oppose ballot questions or candidates. (BDR 23-408)".

Amend the bill as a whole by adding the following Senator as a primary joint sponsor: Senator Titus.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 254.

Amend the bill as a whole by deleting sections 1 through 42 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. 1. The Legislative Committee on Health Care shall conduct a study of staffing ratios in hospitals and similar health care facilities. The study must include:

(a) Establishing parameters for:

(1) Staffing plans in hospitals; and

(2) Minimum staffing ratios for nurses;

(b) Required recordkeeping by hospitals concerning statistics related to patients and staffing, including a requirement that hospitals begin collecting data before establishing staffing ratios for nurses;

(c) Establishing limitations upon the number of hours that nurses may work;

(d) Specifying conditions under which nurses may refuse work assignments;

(e) Specifying actions that hospitals are prohibited from taking with respect to their employees;

(f) The public disclosure of information concerning staffing plans; and

(g) Administrative and criminal penalties for hospitals that do not adhere to the requirements for staffing.

2. The Legislative Committee on Health Care shall complete the study on or before June 1, 2004, and submit a report of its findings and any recommendations for legislation on or before July 1, 2004, to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and the 73rd Session of the Nevada Legislature.".

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, Adequate levels of staffing at hospitals and other health care facilities ensure the delivery of health care services in a manner that promotes proper care of patients and optimum outcomes; and

WHEREAS, Financial pressures can result in the reduction of staffing ratios, jeopardizing the delivery of high quality health care and adversely affecting the health of patients; and

WHEREAS, Establishing appropriate staffing ratios and related controls and protections can ensure that financial pressures do not adversely affect the quality of health care provided to patients in hospitals and other health care facilities; now, therefore,".

Amend the title of the bill to read as follows:

"AN ACT relating to health care; directing the Legislative Committee on Health Care to conduct a study of staffing ratios in hospitals and similar health care facilities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Directs Legislative Committee on Health Care to conduct study of staffing ratios in hospitals and similar health care facilities. (BDR S-729)".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Assemblywoman Koivisto moved that upon return from the printer Assembly Bill No. 313 be re-referred to the Committee on Elections, Procedures, and Ethics.

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

Assembly in recess at 12:05 p.m.

ASSEMBLY IN SESSION

At 12:07 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Koivisto withdrew the motion that Assembly Bill No. 313 be re-referred to the Committee on Elections, Procedures, and Ethics.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 337.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 301.

Amend section 1, pages 2 and 3, by deleting lines 16 through 45 on page 2 and lines 1 through 24 on page 3, and inserting:

"(a) Is free from the terms and conditions of his probation . ~~[~~;

~~(b) If he meets the requirements of NRS 176A.860, may apply to the Division to request a restoration of his civil rights; and~~

~~(c)]~~ *(b) Is immediately restored to the following civil rights:*

(1) The right to vote; and

(2) The right to hold office.

(c) Two years after the date of his honorable discharge from probation, is restored to the right to serve on a jury.

(d) If he meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to his conviction. ~~[The person must]~~

(e) Must be informed of the provisions of this section and NRS ~~[176A.860 and]~~ 179.245 in his probation papers.

~~[4. A person honorably discharged from probation who has had his civil rights restored by the court:~~

~~(a)]~~ *(f)* Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

~~[(b) May vote, hold office or serve as a juror.~~

~~(c)]~~ *(g)* Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

~~[(d)]~~ *(h)* Except as otherwise provided in paragraph ~~[(c),]~~ *(g),* need not disclose the conviction to an employer or prospective employer.

~~[5.]~~ *4.* The prior conviction of a person ~~[whose civil rights have been restored or]~~ who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person , ~~[who has had his civil rights restored or who has been honorably discharged~~

~~from probation,~~] the prior conviction may be pleaded and proved if otherwise admissible.

5. Upon his honorable discharge from probation, the person so discharged must be given an official document which demonstrates that he has received an honorable discharge from probation.

6. A person who has been honorably discharged from probation in this state or any other state and whose official documentation of his discharge is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

7. A person who is honorably discharged from probation in this state or any other state may present official documentation of his honorable discharge from probation or a court order restoring his civil rights as proof that he has been restored to his right to vote, to hold office and to serve as a juror.".

Amend sec. 2, page 3, by deleting line 26 and inserting:

"179.285 Except as otherwise provided in NRS 179.301 ~~[, if]~~ :".

Amend sec. 2, pages 3 and 4, by deleting lines 36 through 45 on page 3 and lines 1 through 12 on page 4 and inserting:

"~~[2. The court shall order the civil rights of the person to whom the order pertains to be restored if the person has not been restored to his civil rights.]~~

(b) The person is immediately restored to the following civil rights if his civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of his records, a person who is restored to his civil rights must be given an official document which demonstrates that he has been restored to the civil rights set forth in paragraph (b) of subsection 1.

3. A person who has had his records sealed in this state or any other state and whose official documentation of the restoration of his civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has had his records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his records sealed in this state or any other state may present official documentation that he has been restored to his civil rights or a court order restoring his civil rights as proof that he has been restored to the right to vote, to hold office and to serve as a juror.".

Amend sec. 3, page 4, by deleting lines 14 through 25 and inserting:

"179.301 1. The State Gaming Control Board and *the* Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, for purposes of determining the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or gaming work permit pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records ~~[may]~~ *:*

(a) May form the basis for recommendation, denial or revocation of those licenses . ~~[or work permits.]~~

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Central Repository *for Nevada Records of Criminal*".

Amend sec. 3, page 4, line 31, by deleting "~~[3.]~~ *2.*" and inserting "3.".

Amend sec. 4, page 5, by deleting lines 18 through 21 and inserting: "~~to in this subsection.]~~ *two or more offenses punishable as felonies.*".

Amend sec. 4, page 5, by deleting lines 26 through 31 and inserting:

"179D.410; or

(b) Except as otherwise provided in this chapter, a person whose conviction is or has been set aside in the manner provided by law.".

Amend the bill as a whole by deleting sec. 6 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. NRS 6.010 is hereby amended to read as follows:

6.010 ~~[Every]~~ *Except as otherwise provided in this section, every* qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason , *a* felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which he resides. *A person who has been convicted of a felony is not a qualified juror of the county in which he resides until his civil right to serve as a juror has been restored pursuant to NRS 176A.850, 179.285, 213.090, 213.155 or 213.157.*".

Amend sec. 13, pages 10 and 11, by deleting lines 8 through 44 on page 10 and lines 1 through 3 on page 11 and inserting:

"213.090 1. ~~[When a pardon]~~ *A person who* is granted *a pardon* for any offense committed *:* ~~[, the pardon may or may not include restoration of civil rights. If the pardon includes restoration of civil rights , it must be so stated in the instrument or certificate of pardon and, when granted upon conditions, limitations or restrictions, they must be fully set forth in the instrument.~~

~~2. In any case where a convicted person has received a pardon without immediate restoration of his civil rights, he may apply to the State Board of Pardons Commissioners for restoration of his civil rights and release from~~

~~penalties and disabilities resulting from the offense or crime of which he was convicted.~~

~~3. Upon receiving an application pursuant to subsection 2, the Board shall determine whether the applicant has received a pardon. If the Board determines that the applicant has received a pardon, the Board shall, as soon as reasonably practicable, restore him to his civil rights and release him from all penalties and disabilities resulting from the offense or crime of which he was convicted.~~

~~4. An applicant~~]

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to hold office.

(b) Two years after the date that his pardon is granted, is restored to the right to serve on a jury.

2. Upon receiving a pardon, a person so pardoned must be given an official document which demonstrates that he has been granted a pardon.

3. A person who has been granted a pardon in this state or any other state and whose official documentation of the pardon is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been granted a pardon, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

4. A person who has been granted a pardon in this state or any other state may present official documentation of his pardon or a court order restoring his civil rights as proof that he has been restored to his right to vote, to hold office and to serve as a juror. A person must not be required to pay a fee to ~~[have his civil rights restored or to be released from penalties and disabilities pursuant to this section.]~~ *receive such an order.*".

Amend sec. 14, pages 11 and 12, by deleting lines 5 through 43 on page 11 and lines 1 through 5 on page 12 and inserting:

"213.155 1. ~~[The Board may restore a paroled prisoner to his civil rights, conditioned upon the prisoner receiving]~~ *A person who receives* an honorable discharge from parole pursuant to NRS 213.154 *:* ~~[. Such restoration must take effect at the expiration of the parole of the prisoner.~~

~~2. In any case where a convicted person has completed his parole without immediate restoration of his civil rights and has been issued an honorable discharge from parole pursuant to NRS 213.154, he may apply to the Division to request a restoration of his civil rights and release from penalties and disabilities which resulted from the offense or crime of which he was convicted.~~

~~3. Upon receiving an application pursuant to subsection 2, the Division shall determine whether the applicant has received an honorable discharge from parole. If the Division determines that the applicant has received an honorable discharge, the Division shall forward the application to the Board.~~

~~4. Upon receiving an application pursuant to subsection 3, the Board shall, as soon as reasonably practicable, restore the applicant to his civil rights and release him from all penalties and disabilities resulting from the offense or crime of which he was convicted.~~

~~5. An applicant~~]

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to hold office.

(b) Two years after the date of his honorable discharge from parole, is restored to the right to serve on a jury.

2. Upon his honorable discharge from parole, the person so discharged must be given an official document which demonstrates that he has received an honorable discharge from parole.

3. A person who has been honorably discharged from parole in this state or any other state and whose official documentation of his honorable discharge is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

4. A person who is honorably discharged from parole in this state or any other state may present official documentation of his honorable discharge from probation or a court order restoring his civil rights as proof that he has been restored to his right to vote, to hold office and to serve as a juror. A person must not be required to pay a fee to [~~have his civil rights are restored or to be released from penalties and disabilities pursuant to this section.~~

~~6.~~] *receive such an order.*

5. The Board may adopt regulations necessary or convenient for the purposes of this section.".

Amend sec. 15, page 12, by deleting lines 7 through 45 and inserting:

"213.157 1. [~~In any case where a~~] *A* person convicted of a felony in the State of Nevada *who* has served his sentence [~~and~~] *, has* been released from prison [~~, he may apply to the Division requesting restoration of his civil rights and release from all penalties and disabilities which resulted from the offense or crime of which he was convicted .~~

~~2. Upon receiving an application pursuant to subsection 1, the Division shall determine whether the applicant has served his sentence and been released from prison. If the Division determines that the applicant has served his sentence and been released from prison, the Division shall forward the application to the district court in which the conviction was obtained.~~

~~3. Upon receiving an application pursuant to subsection 2, the court shall, as soon as reasonably practicable, restore the civil rights of the applicant and release him from all penalties and disabilities which resulted from the offense or crime of which he was convicted.~~

~~4. An applicant~~] *and is not subject to a period of parole or probation:*

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to hold office.

(b) Two years after the date of his release from prison, is restored to the right to serve on a jury.

2. Upon his release from prison without a period of parole or probation, a person so released must be given an official document which demonstrates that he has been released from prison and is not subject to a period of parole or probation.

3. A person who is released from prison in this state or any other state and who is not subject to a period of parole or probation in this state or any other state and whose official documentation of his release is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been released from prison and is not subject to a period of parole or probation, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

4. A person who is released from prison and who is not subject to a period of parole or probation in this state or any other state may present official documentation of his release or a court order restoring his civil rights as proof that he has been restored to his right to vote, to hold office and to serve as a juror. A person must not be required to pay a fee to ~~[have his civil rights restored or to be released from penalties and disabilities pursuant to this section.]~~ *receive such an order.*".

Amend the bill as a whole by renumbering sections 16 through 71 as sections 20 through 75 and adding new sections designated sections 16 through 19, following sec. 15, to read as follows:

"Sec. 16. NRS 248.010 is hereby amended to read as follows:

248.010 1. Sheriffs ~~[shall]~~ *must* be elected by the qualified electors of their respective counties.

2. Sheriffs ~~[shall]~~ *must* be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their respective offices on the ~~[1st]~~ *first* Monday of January subsequent to their election.

3. A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether he has been restored to his civil rights.

Sec. 17. NRS 258.010 is hereby amended to read as follows:

258.010 1. Except as otherwise provided in subsections 2 and 3:

(a) Constables must be elected by the qualified electors of their respective townships.

(b) The constables of the several townships of the State must be chosen at the general election of 1966, and shall enter upon the duties of their offices

on the first Monday of January next succeeding their election, and hold their offices for the term of 4 years thereafter, until their successors are elected and qualified.

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties.

2. In a county which includes only one township, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation. The resolution must not become effective until the completion of the term of office for which a constable may have been elected.

3. In a county whose population:

(a) Is less than 400,000, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office of constable in those townships.

(b) Is 400,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office in those townships, but the abolition does not become effective as to a particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection.

For a township in which the office of constable has been abolished, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation.

4. A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether he has been restored to his civil rights.

Sec. 18. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who has been convicted of a felony in this state or any other state is not qualified to serve as a category I peace officer, category II peace officer or category III peace officer regardless of whether he has been restored to his civil rights.

Sec. 19. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.600, inclusive, *and section 18 of this act,* unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.”.

Amend sec. 21, page 20, by deleting lines 8 through 17 and inserting:

“(d) Committed, attempted or conspired to commit a crime which is a felony or gross misdemeanor in this state or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this state ~~[,]~~ *and which relates to the applicant’s suitability or qualifications to work as a gaming employee;*

(e) Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

(f) Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority; or

(g) Had a work permit revoked or committed any act".

Amend sec. 21, page 21, by deleting lines 6 and 7 and inserting:

"show whether the crime was a misdemeanor, gross misdemeanor, felony or other".

Amend sec. 70, pages 64 and 65, by deleting lines 18 through 43 on page 64 and lines 1 through 3 on page 65 and inserting:

"Sec. 70. 1. Any person residing in this state who, before October 1, 2003, was:

(a) Honorably discharged from probation pursuant to NRS 176A.850;

(b) Pardoned pursuant to NRS 213.090;

(c) Honorably discharged from parole pursuant to NRS 213.154 and 213.155; or

(d) Released from prison and was not subject to probation or parole pursuant to NRS 213.157,

in this state or any other state and who has not had his civil rights restored is hereby restored to the civil rights set forth in subsection 2.

2. A person listed in subsection 1:

(a) Is immediately restored to:

(1) The right to vote; and

(2) The right to hold office.

(b) Two years after the date on which he is released from his sentence of imprisonment, is restored to the right to serve on a jury.

3. A person who is restored to his civil rights pursuant to this section whose official documentation which demonstrates that the person qualifies to have his civil rights restored pursuant to subsection 1 is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person qualifies to have his civil rights restored pursuant to subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 2. A person must not be required to pay a fee to receive such an order.

4. A person who is restored to his civil rights pursuant to this section may present official documentation that he qualifies to have his civil rights restored pursuant to subsection 1 or a court order restoring his civil rights as proof that he has been restored to his right to vote, to hold office and to serve as a juror.".

Amend sec. 71, page 65, line 4, by deleting "52," and inserting "56,".

Amend sec. 71, page 65, line 5, by deleting: "54 to 70," and inserting:

"58 to 74,".

Amend sec. 71, page 65, line 6, by deleting "52" and inserting "56".

Amend sec. 71, page 65, line 17, by deleting "53" and inserting "57".

Amend the title of the bill by deleting the sixth through ninth lines and inserting: "whose records of conviction are sealed; limiting the persons who are".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 420.

Amend section 1, page 1, line 10, by deleting "*dates*" and inserting: "*dates, if known,*".

Amend section 1, page 1, line 14, by deleting "*1975,*" and inserting: "*June 15, 1976,*".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

1. At the beginning of each tax year, the landlord shall prepare an annual statement which contains the following information:

(a) The net profits earned by the landlord for the preceding tax year;

(b) The landlord's rate of return for the manufactured home park for each of the 5 preceding tax years or, if the landlord has owned or leased the manufactured home park for fewer than 5 years, for each year that he has owned or leased the manufactured home park; and

(c) The number of years that the landlord has owned or leased the manufactured home park.

2. Not later than May 1 of each year, the landlord shall:

(a) Post a copy of the annual statement required pursuant to subsection 1 in a conspicuous and readily accessible place in the community or recreation facility of the manufactured home park or other common area of the manufactured home park;

(b) Mail, return receipt requested, or personally deliver a copy of the annual statement to each tenant of the manufactured home park and obtain the tenant's signature acknowledging receipt of the statement; and

(c) Submit a copy of the annual statement to the Division.

3. The landlord shall provide a current version of the annual statement prepared pursuant to subsection 1 to each prospective tenant of the manufactured home park.".

Amend the title of the bill, fifth line, after "sale;" by inserting: "requiring the landlord of a manufactured home park to prepare and disseminate an annual statement regarding the profitability of the park;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to manufactured home parks. (BDR 43-970)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 387.

Amend section 1, page 1, line 2, after "contest" by inserting "*of election*".

Amend section 1, page 2, by deleting lines 19 through 28 and inserting:

"5. Where no more than the number of candidates to be elected have filed for nomination for ~~[any office,]~~ *:*

(a) Any partisan office or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general *election; and*

(b) Any nonpartisan office, other than the office of justice of the Supreme Court, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, he must be declared elected to the office and his name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his name must be placed on the ballot for the general election.

6. If there are more candidates than twice the number to be".

Amend the title of the bill to read as follows:

"AN ACT relating to elections; requiring that the names of candidates for certain nonpartisan offices who are unopposed be placed on the ballot for a primary election; requiring that, under certain circumstances, such a candidate be declared elected to office following the primary election and that his name not be placed on the ballot for a general election; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires that candidates for certain nonpartisan offices who are unopposed be declared elected to office after primary election under certain circumstances. (BDR 24-847)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 424.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 423.

Amend the bill as a whole by deleting sections 1 through 15 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 333.365 is hereby amended to read as follows:

333.365 1. A person who has entered into a contract with the Purchasing Division *or another agency of this state* and who does not perform according to the terms of the contract is liable for, in addition to any other applicable damages for breach of contract, a penalty of not more than 5 percent of the total value of the bid ~~[.]~~ *or contract.* The penalty must be recovered in a civil action upon the complaint of the Chief in any court of competent jurisdiction. In addition to recovering the penalty and any other applicable damages, the Chief may ~~[remove the name of the person from the list of bidders and]~~ refuse to accept a bid from ~~[him]~~ *the person or refuse to award a contract to the person, or both,* for not more than 2 years.

2. If the Chief does not bring an action to recover the penalty prescribed by subsection 1, he may:

(a) ~~[Remove the name of the person from the list of bidders and refuse]~~ *Refuse* to accept a bid from ~~[him]~~ *the person, refuse to award a contract to the person, or both,* for not more than 2 years; and

(b) Impose an administrative penalty, in an amount not to exceed 5 percent of the total value of the bid ~~[.]~~ *or contract.* Such a penalty may be recovered only after notice is given to the person by mail.

3. ~~[If the Chief has removed the name of a person from the list of bidders, that person must apply to the Chief to have his name reinstated on the list of bidders.~~

~~4.]~~ A penalty imposed pursuant to subsection 1 or 2 may be deducted from any payment due the person or, if a bond has been issued or a check received, a claim may be made against the bond or check. If no payment is due and no bond was issued or check received, the Chief may issue a claim for payment of the penalty. The claim must be paid within 30 days.".

Amend the title of the bill to read as follows:

"AN ACT relating to state purchasing; revising the provisions concerning certain penalties for a person who has entered into a contract with an agency of this state and who fails to perform according to the terms of the contract; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions concerning penalty for person who contracts with state agency and fails to perform according to terms of contract. (BDR 28-959)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 267.

Amend section 1, page 2, by deleting lines 3 through 28 and inserting:

"*1. A person who bids on a contract may file a notice of protest regarding the awarding of the contract with the authorized representative designated by the public body within 5 business days after the date the bids were opened by the public body or its authorized representative.*

2. The notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of law were violated.

3. A person filing a notice of protest may be required by the public body or its authorized representative, at the time the notice of protest is filed, to post a bond with a good and solvent surety authorized to do business in this state or submit other security, in a form approved by the public body, to the public body who shall hold the bond or other security until a determination is made on the protest. A bond posted or other security submitted with a notice of protest must be in an amount equal to the lesser of:

(a) Twenty-five percent of the total value of the bid submitted by the person filing the notice of protest; or

(b) Two hundred fifty thousand dollars.

4. A notice of protest filed in accordance with the provisions of this section operates as a stay of action in relation to the awarding of any contract until a determination is made by the public body on the protest.

5. A person who makes an unsuccessful bid may not seek any type of judicial intervention until the public body has made a determination on the protest and awarded the contract.".

Amend section 1, page 2, line 32, by deleting "*an unsuccessful*" and inserting "*a*".

Amend section 1, page 2, line 33, by deleting "*appeal*" and inserting "*protest*".

Amend section 1, page 2, by deleting lines 34 through 43 and inserting:

"*7. If the protest is upheld, the bond posted or other security submitted with the notice of protest must be returned to the person who posted the bond or submitted the security. If the protest is rejected, a claim may be made*

against the bond or other security by the public body in an amount equal to the expenses incurred by the public body because of the unsuccessful protest. Any money remaining after the claim has been satisfied must be returned to the person who posted the bond or submitted the security.".

Amend sec. 2, page 3, line 5, by deleting "*person or*".

Amend sec. 2, page 3, line 6, by deleting "*construction project.*" and inserting "*public work.*".

Amend sec. 2, page 4, line 3, by deleting "~~[(b)]~~ *(c)*" and inserting "(b)".

Amend sec. 7, page 8, line 41, by deleting "*or*" and inserting "*and*".

Amend sec. 13, page 12, line 24, after "provisions of" by inserting: "*section 1 of this act and*".

Amend sec. 19, page 17, line 29, after "state, or" by inserting: "*the governing body of*".

Amend sec. 19, page 18, lines 32 and 33, by deleting: "*the provisions of*".

Amend sec. 20, page 20, by deleting lines 9 through 13 and inserting: "exceed the limit of his license. A subcontractor ~~[named by the contractor]~~ who is ~~[not]~~ *:*

(a) Named in the bid for the contract as a subcontractor who will provide a portion of the work on the public work pursuant to NRS 338.141; and

(b) Not properly licensed for that portion of the work *,*

shall be deemed unacceptable. If the".

Amend sec. 21, page 20, line 36, by deleting "*a*" and inserting "*the lowest*".

Amend sec. 21, page 20, line 37, by deleting: "*contractor who has*" and inserting: "*responsive and responsible contractor who:*

(1) Has".

Amend sec. 21, page 20, by deleting lines 41 and 42 and inserting:

"~~(b) At the time he submits his bid, provides to the public body a copy of]~~ *; and*

(2) At the time he submits his bid, has a *valid* certificate of eligibility to".

Amend sec. 21, page 21, line 4, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 21, page 21, line 5, by deleting "*next*".

Amend sec. 21, page 21, line 6, by deleting:

"*whose bid is not accompanied by a copy of*" and inserting: "*who does not have, at the time he submits his bid,*".

Amend sec. 24, page 25, line 33, after "~~improvement]~~" by inserting: "*to which paragraph (a) of subsection 1 of NRS 338.1385 or paragraph (a) of subsection 1 of NRS 338.143 applies,*".

Amend sec. 24, page 25, by deleting line 34 and inserting:

"(a) ~~[The]~~ *If the public body provides a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each subcontractor who will provide such labor or*".

Amend sec. 24, page 25, line 35, by deleting "*a*".

Amend sec. 24, page 25, by deleting line 37 and inserting:

"*(b) If the public body does not provide a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the* name of each subcontractor who will provide labor or a".

Amend sec. 24, page 25, line 39, before "contractor" by inserting "*prime*".

Amend sec. 24, page 25, line 40, by deleting "Within" and inserting: "~~[Within]~~ *If the bid is submitted pursuant to this paragraph, within*".

Amend sec. 24, page 25, line 44, before "contractor" by inserting "*prime*".

Amend sec. 24, page 26, lines 13 and 14, before "*contractor*" by inserting "*prime*".

Amend sec. 24, page 26, lines 15 and 16, before "*subsection 1*" by inserting: "*paragraph (a) of*".

Amend sec. 24, page 26, line 17, before "*contractor*" by inserting "*prime*".

Amend sec. 24, page 26, line 44, by deleting "*3*" and inserting "*1*".

Amend sec. 27, page 31, by deleting lines 31 through 36 and inserting: "contract would exceed the limit of his license. A subcontractor ~~[named by the contractor]~~ who is ~~[not]~~ *:*

(a) Named in the bid for the contract as a subcontractor who will provide a portion of the work on the public work pursuant to NRS 338.141; and

(b) Not properly licensed for that portion of the work ,shall be deemed unacceptable. If the".

Amend sec. 28, page 32, by deleting lines 11 through 13 and inserting:

"~~(a) Has]~~ *the lowest bid that is:*

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government ~~[:~~,".

Amend sec. 28, page 32, by deleting lines 16 and 17 and inserting: "~~government a copy of]~~ *or its authorized representative; and*

(2) At the time he submits his bid, has a *valid* certificate of eligibility to".

Amend sec. 28, page 32, line 24, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 28, page 32, line 25, by deleting "*next*".

Amend sec. 28, page 32, line 26, by deleting: "*whose bid is not accompanied by a copy of*" and inserting: "*who does not have, at the time he submits the bid,*".

Amend sec. 28, page 35, by deleting lines 24 and 25 and inserting: "*business days after the opening of the bids by the local government or its authorized representative.*".

Amend sec. 29, page 35, line 45, before "338.147" by inserting: "*338.143, 338.145 and*".

Amend sec. 29, page 36, lines 7 and 8, by deleting "*338.143 or*" and inserting: "*338.143, 338.145 and*".

Amend sec. 32, page 38, line 15, by deleting: "governing body of the entity" and inserting: "~~[governing body of the entity]~~ *public body*".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 430.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 459.

Amend section 1, page 1, by deleting lines 5 through 10 and inserting: "*access of:*

(a) Except as otherwise provided in subsection 2, a patient receiving services pursuant to Medicaid to prescription drugs that are prescribed for the treatment of a mental illness of the patient, including, without limitation, prescriptions for atypical and conventional antipsychotic medications and anticonvulsant medications; or

(b) A patient who is infected with the human immunodeficiency virus who is receiving services pursuant to Medicaid to antiretroviral prescription drugs that are prescribed for the patient.

2. The provisions of paragraph (a) of subsection 1 do not apply to prescription antidepressant medications or antianxiety medications.".

Amend sec. 2, page 1, line 11, by deleting "*2.*" and inserting "*3.*".

Amend the title of the bill by deleting the third and fourth lines and inserting: "access to certain prescription drugs for mental illness provided pursuant to Medicaid and to antiretroviral prescription drugs provided to certain persons; and providing other matters".

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits Department of Human Resources from taking certain actions to restrict access to certain prescription drugs for mental illness provided pursuant to Medicaid and to antiretroviral prescription drugs provided to certain persons pursuant to Medicaid. (BDR 38-984)".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 526.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 389.

Amend section 1, pages 1 and 2, by deleting lines 7 through 11 on page 1 and lines 1 through 8 on page 2, and inserting: "with the clerk of the district court. *The parties to such a contest shall be designated contestant and defendant.*

2. On or before December 15 of the year immediately preceding a regular legislative session:

(a) The contestant in a contest of a general election for the office of Assemblyman or Senator may amend the statement of contest filed pursuant to this section by filing an amended statement of contest and any relevant depositions, ballots and other documents relating to the contest with the Secretary of State; and

(b) Each party in a contest of a general election for the office of Assemblyman or Senator shall provide the Secretary of State with a list of the witnesses the party intends to present at the hearing of the contest.

3. Each party in a contest of a general election for the office of Assemblyman or Senator may:

(a) Before the hearing of the contest:

(1) Take the deposition of any witness in the manner prescribed by rule of court for taking depositions in civil actions in the district courts; and

(2) Investigate issues relating to the contest; and

(b) At the hearing of the contest, present any relevant depositions and other evidence obtained as a result of such investigation at the hearing of the contest, including, without limitation, evidence obtained after the date for filing an amended statement of contest. If a party obtains evidence after such date, the evidence may not be included in the statement of contest or amended statement of contest.".

Amend sec. 2, page 2, by deleting lines 28 through 39 and inserting:

"*5. In a contest of a general election for the office of Assemblyman or Senator, the house in which a contest was tried or was to be tried shall determine the remedy, if any, to be awarded to a party to such a contest. The remedy may include, without limitation, any costs incurred by a party in connection with the contest.*".

Amend the title of the bill to read as follows:

"AN ACT relating to elections; authorizing the contestant in a contest of a general election for the office of Assemblyman or Senator to amend the statement of contest by a certain date before the commencement of the legislative session; authorizing the parties in such a contest to take depositions, investigate the contest until the date of the hearing of the contest and present the evidence or findings of the investigation at the hearing of the contest; providing that the legislative house in which the contest was tried or was to be tried may determine the remedies awarded to a party in such a contest; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that upon return from the printer Assembly Bill No. 430 be re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 528.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 390.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sections 4 through 14 as sections 1 through 11.

Amend sec. 14, page 14, between lines 7 and 8, by inserting:

"*6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:*

(a) Use the list for any purpose that is not related to an election; or

(b) Sell the list for compensation or other valuable consideration.".

Amend the bill as a whole by deleting sections 15 and 16 and renumbering sections 17 through 25 as sections 12 through 20.

Amend sec. 17, page 16, lines 10 and 11, by deleting: "*Ten days before the period for early voting, if feasible,*" and inserting: "*Before the period for early voting,*".

Amend sec. 21, page 18, lines 30 and 31, by deleting: "*Ten days before the period for early voting, if feasible,*" and inserting: "*Before the period for early voting,*".

Amend the bill as a whole by adding a new section designated sec. 21, following sec. 25, to read as follows:

"Sec. 21. NRS 306.030 is hereby amended to read as follows:

306.030 1. The petition may consist of any number of copies which are identical in form with the original, except for the name of the county and the signatures and addresses of the residences of the signers. The pages of the petition with the signatures and of any copy must be consecutively numbered. Each page must bear the name of a county and only registered voters of that county may sign the page.

2. Every copy must be verified by ~~[at least one of the signers]~~ *the circulator* thereof, who shall swear or affirm, before a person authorized by law to administer oaths, that the statements and signatures contained in the petition are true to the best of his knowledge and belief. The verification must also contain a statement of the number of signatures being verified by the ~~[signer.]~~ *circulator.*".

Amend the bill as a whole by deleting sections 26 through 38 and renumbering sec. 39 as sec. 22.

Amend the title of the bill to read as follows:

"AN ACT relating to elections; specifying how periods of time are measured for election duties; revising provisions governing the circulation of certain petitions; changing the date by which a county clerk must determine the number of registered voters of each major political party in each precinct; revising the provisions governing the consequences of a candidate's death; specifying that filing fees are not refundable; changing the date by which the canvass of votes for certain offices and questions must occur; clarifying that minor political parties may receive a list of registered voters from the county clerk without charge; prohibiting certain persons and entities from selling such a list or using such list for a purpose that is not related to an election; revising the provisions governing the date by which sample ballots must be mailed to the registered voters; expanding the definition of a committee for the recall of a public officer; changing the officer with whom a candidate who is not elected must file a report concerning unspent contributions; changing the dates by which certain groups must make available information concerning advertising for campaigns; restricting the civil penalties that may be imposed for filing late campaign reports against a public officer or candidate for public office that is not entitled to receive compensation; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 158, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 87, 158, 196, 356, 403, 453, 454, and 489 be placed on the Second Reading File.

Motion carried.

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

Assembly in recess at 12:25 p.m.

ASSEMBLY IN SESSION

At 12:48 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 115.

Amend sec. 9, page 3, line 43, by deleting "*and*".

Amend sec. 9, pages 3 and 4, by deleting line 45 on page 3 and lines 1 through 4 on page 4, and inserting: "upon the ~~[amount of]~~ *hourly rate that the notary public will charge for* the additional fee; and

(d) The additional fee does not exceed ~~[the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax.]~~ *:*

(1) If the person requesting the notarial act asks the notary public to travel between the hours of 6 a.m. and 7 p.m., $10 per hour.

(2) If the person requesting the notarial act asks the notary public to travel between the hours of 7 p.m. and 6 a.m., $25 per hour.

The notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.

4. *A notary public is entitled to charge the amount of the additional fee agreed to in advance by the person requesting the notarial act pursuant to subsection 3 if:*

(a) The person requesting the notarial act cancels his request after the notary public begins his travel to perform the requested notarial act.

(b) The notary public is unable to perform the requested notarial act as a result of the actions of the person who requested the notarial act or any other person who is necessary for the performance of the notarial act.

5. For each additional fee that a notary public charges for traveling to perform a notarial act pursuant to subsection 3, the notary public shall enter in the journal that he keeps pursuant to NRS 240.120:

(a) The amount of the fee; and

(b) The date and time that the notary public began and ended such travel.

6. A person who employs a notary public may prohibit the".

Amend the title of the bill by deleting the third and fourth lines and inserting: "revising the provisions governing the additional fee that a notary public may charge for traveling to perform a notarial act; and".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 158.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 439.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. 1. The Legislative Commission shall appoint a committee consisting of an equal number of Legislators from the Assembly and the Senate to conduct an interim study concerning the classification of peace officers.

2. The study must include, without limitation, an investigation of the distinctions made in classifying peace officers on the basis of criteria such as jurisdiction, powers, duties and training.

3. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.

4. Any recommended legislation proposed by the committee appointed pursuant to subsection 1 must be approved by a majority of the members of

the Senate and a majority of the members of the Assembly appointed to the committee.

Sec. 2. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218.085 the sum of $10,000 for allocation by the Legislative Commission to pay for consulting services to assist the committee in carrying out the interim study.".

Amend the title of the bill to read as follows:

"AN ACT relating to peace officers; directing the Legislative Commission to conduct an interim study concerning the classification of peace officers.".

Amend the summary of the bill to read as follows:

"SUMMARY—Directs the Legislative Commission to conduct interim study concerning classification of peace officers. (BDR S-2)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 55.

Amend the bill as a whole by deleting sections 1 through 7, renumbering sections 8 through 10 as sections 9 through 11 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Nonresidential construction project" means construction other than construction of residential dwelling units or an apartment house or the development of mobile home lots for which a residential construction tax may be imposed pursuant to NRS 278.497 to 278.4987, inclusive. The term does not include any construction by a governmental agency.*

Sec. 4. *"Regional park" means a site exceeding 50 acres, which is designed to serve the outdoor needs of persons who live or work in the region in which it is located.*

Sec. 5. *1. In a county whose population is 400,000 or more, the governing body of the county or a city in the county may, by ordinance, require that a developer of land for a nonresidential construction project dedicate such land areas, sites and locations for a regional park as are reasonably necessary to serve the people who live or work in the region of the city or county in which the nonresidential construction project is located.*

2. The ordinance adopted pursuant to subsection 1 must, insofar as practicable, conform to the recreation plan in the master plan of the city or county.

3. The ordinance adopted pursuant to subsection 1 must contain standards for determining the amount, quality and location of land that is required to be dedicated which must be based upon the number and type of nonresidential construction projects included in each development and give due consideration to the relative desirability and market value of the land that may be included within the area of any particular proposed development.

4. The ordinance adopted pursuant to subsection 1 must, without limiting the general powers conferred in this chapter, include the following:

(a) Provisions for the creation, in accordance with the applicable master plan, of park districts or service areas which would serve regions within the city or county.

(b) A delegation of authority to designated departments or agencies of the city or county to select the location of the land areas to be dedicated for regional parks. The land to be dedicated for regional parks must be within the park district or service area created pursuant to paragraph (a) in which the nonresidential construction projects are located.

(c) A provision limiting the amount of land required to be dedicated to an amount of land having a fair market value, determined by independent appraisal, which does not exceed the amount of any nonresidential construction tax which would otherwise have been collected pursuant to section 7 of this act.

(d) A provision for the transfer of title to the dedicated land upon the issuance of building permits and the construction of the first unit of the development from which the land was dedicated.

Sec. 6. *1. If the land area dedicated by any developer pursuant to section 5 of this act exceeds a proportionate contribution to the total regional park site, taking into consideration the total persons who live or work in the park districts or service areas which serve regions within the city or county reasonably expected to benefit from the regional park, the developer making the dedication must be compensated at fair market value for the excess value contributed.*

2. When 25 percent of the residential construction project from which the land was dedicated is constructed, the local governing body or agency to which the dedicated land is conveyed shall provide for planning, public hearings and the adoption of a plan for development of the site, a schedule of that development and a plan for financing which includes operational and maintenance costs of the regional park.

3. If a regional park has not been developed on the land dedicated for that purpose within 5 years after the date on which 75 percent of the nonresidential construction project first became occupied, title to the land

reverts to the owners of the nonresidential construction project at the time of the reversion on a pro rata basis.

Sec. 7. *1. In a county whose population is 400,000 or more, the governing body of the county and any city in the county which has adopted a master plan and recreation plan, as provided in this chapter, which includes, as a part of the plan, future or present sites for regional parks may, by ordinance, impose a nonresidential construction tax pursuant to this section.*

2. If imposed, the nonresidential construction tax must be imposed on the privilege of constructing nonresidential construction projects in the city or county, as applicable. The rate of the tax must not exceed 1 percent of the valuation of each building permit issued or $20,000 per nonresidential construction project, whichever is less. For the purpose of calculating the nonresidential construction tax pursuant to this subsection, the governing body shall adopt an ordinance basing the valuation of building permits on the actual costs of nonresidential construction projects in the area.

3. The purpose of the tax imposed pursuant to this section is to raise revenue to enable the cities and counties to provide regional parks and facilities for such parks which benefit persons who live or work in the park districts or service areas which serve regions within the city or county.

4. An ordinance enacted pursuant to subsection 1 must establish the procedures for collecting the tax, set its rate, and determine the purposes for which the tax is to be used, subject to the restrictions and standards provided in this chapter. The ordinance must, without limiting the general powers conferred in this chapter, also include:

(a) Provisions for the creation, in accordance with the applicable master plan, of park districts or service areas which would serve regions within the city or county.

(b) A provision for collecting the tax at the time of issuance of a building permit for the construction of a nonresidential construction project.

5. All nonresidential construction taxes collected pursuant to the provisions of this section and any ordinance enacted by a governing body and all interest accrued on the money must be placed with the city treasurer or county treasurer in a special fund. Except as otherwise provided in subsection 6, the money in the fund that is collected pursuant to subsection 2 may only be:

(a) Used for the acquisition, improvement and expansion of regional parks or the installation of facilities in existing regional parks in the city or county.

(b) Expended for the benefit of the park district or service area from which it was collected.

6. If a regional park has not been developed or facilities have not been installed in an existing regional park within 5 years after the date on which 75 percent of the nonresidential construction project first became occupied, all money paid by the developer pursuant to subsection 2, together with interest at the rate at which the city or county has invested the money in the

fund, must be refunded to the owners of the nonresidential construction project on a pro rata basis.

7. The limitation of time established pursuant to subsection 6 is suspended for any period, not to exceed 1 year, during which this state or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the development of a regional park or installation of facilities in existing regional parks.

8. As used in this section, "facilities" means turf, trees, irrigation systems, playground apparatus, playing fields, areas to be used for organized amateur sports, play areas, picnic areas, horseshoe pits and other recreational equipment or appurtenances designed to serve the persons who use the regional park in which the facilities are located.

Sec. 8. *1. The requirement for dedication of land pursuant to section 5 of this act and the imposition of a nonresidential construction tax pursuant to section 7 of this act are mutually exclusive as to any particular nonresidential construction project which may be benefited or affected by any such requirement or imposition.*

2. Any governing body determining to provide a regional park pursuant to sections 2 to 8, inclusive, of this act must elect, for any one period, to follow only one of the procedures provided in these sections.".

Amend sec. 8, page 6, line 43, by deleting "~~[residential]~~" and inserting "residential".

Amend sec. 8, page 7, line 3, by deleting "or" and inserting "~~[or]~~".

Amend sec. 8, page 7, line 4, after "(c)" by inserting: "*Pay a nonresidential construction tax pursuant to section 7 of this act;*

(d) Dedicate land pursuant to section 5 of this act or otherwise dedicate or improve land, or both, for use as a regional park; or

(e)".

Amend sec. 8, page 7, line 7, by deleting: "~~[residential]~~ construction tax" and inserting: "residential construction tax *or nonresidential construction tax*".

Amend sec. 9, page 7, line 23, by deleting "~~[residential]~~" and inserting "residential".

Amend sec. 9, page 7, line 24, after "*278.4983,*" by inserting: "*nonresidential construction tax imposed pursuant to section 7 of this act,*".

Amend the title of the bill, second line, after "governments" by inserting: "in larger counties".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes certain local governments in larger counties to require dedication of certain land or impose tax on nonresidential construction projects for regional parks. (BDR 22-653)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 421.

Amend section 1, pages 1 and 2, by deleting lines 3 through 8 on page 1 and lines 1 through 16 on page 2, and inserting: "Labor Commissioner shall, in accordance with federal law, establish by regulation the minimum wage which may be paid to employees in private employment within the State. The Labor Commissioner shall prescribe increases in the minimum wage in accordance with those prescribed by federal law, unless he determines that those increases are contrary to the public interest.

2. *The Labor Commissioner may, on July 1, 2005, and each July 1 thereafter, prescribe by regulation increases in the minimum wage equal to the percentage increase, if any, in the Consumer Price Index (All Items) for the year ending on December 31 immediately preceding the fiscal year for which the increase is calculated.*".

Amend the bill as a whole by adding new sections designated sections 2.5 and 2.7, following sec. 2, to read as follows:

"Sec. 2.5. Chapter 231 of NRS is hereby amended by adding a new section to read as follows:

To determine the efficacy of tax incentives and other incentives with respect to the creation of jobs within this state that pay livable wages, as determined pursuant to subsection 4 of section 3 of this act, the Commission on Economic Development shall, on or before January 31 of each year:

1. Identify each business, company or corporation that has received an incentive, including, without limitation, a tax abatement, to relocate within this state or to expand its operations within this state; and

2. Calculate the number of jobs created within this state by each of the businesses, companies and corporations that received the incentives described in subsection 1. The calculations required pursuant to this paragraph must include or be accompanied by an assessment of:

(a) The average wage of nonmanagerial employees paid by the applicable business, company or corporation that received the incentive;

(b) The health care benefits offered to nonmanagerial employees by the applicable business, company or corporation that received the incentive; and

(c) The particular type of incentive and amount of incentive received by the applicable business, company or corporation.

Sec. 2.7. NRS 231.020 is hereby amended to read as follows:

231.020 As used in NRS 231.020 to 231.139, inclusive, *and section 2.5 of this act,* unless the context otherwise requires, "motion pictures" includes feature films, movies made for broadcast on television and programs made for broadcast on television in episodes.".

Amend sec. 3, page 3, line 5, by deleting: "*budgets for five*" and inserting: "*budgets, based upon acceptable self-sufficiency standards, for six*".

Amend sec. 3, page 3, line 7, by deleting "*household*" and inserting "*family unit*".

Amend sec. 3, page 3, between lines 7 and 8, by inserting:

"*(b) A family unit consisting of two adult persons;*".

Amend sec. 3, page 3, line 8, by deleting:

"*(b) A household*" and inserting:

"*(c) A family unit*".

Amend sec. 3, page 3, line 9, by deleting:

"*(c) A household*" and inserting:

"*(d) A family unit*".

Amend sec. 3, page 3, line 10, by deleting:

"*(d) A household*" and inserting:

"*(e) A family unit*".

Amend sec. 3, page 3, line 11, by deleting:

"*(e) A household*" and inserting:

"*(f) A family unit*".

Amend sec. 3, page 3, by deleting lines 12 through 33.

Amend sec. 3, page 3, line 34, by deleting "*3.*" and inserting "*2.*".

Amend sec. 3, page 3, line 42, after "*spending;*" by inserting "*and*".

Amend sec. 3, page 3, lines 43 and 44, by deleting: "*Savings and investment; and*

(h)".

Amend sec. 3, page 4, line 1, by deleting "*4.*" and inserting "*3.*".

Amend sec. 3, page 4, line 7, by deleting "*5.*" and inserting "*4.*".

Amend sec. 3, page 4, between lines 9 and 10, by inserting:

"*5. As used in this section, "livable wage" means a wage sufficient to support a family unit without public assistance based upon an acceptable self-sufficiency standard.*".

Amend the bill as a whole by deleting sec. 5 and adding:

"Sec. 5. (Deleted by amendment.)".

Amend sec. 7, page 9, line 38, by deleting "*health permits*" and inserting: "*business licenses by a political subdivision of this state*".

Amend sec. 8, page 10, by deleting line 2 and inserting: "*business license issued by a political subdivision of this state,*".

Amend sec. 8, page 10, line 7, by deleting "*health authority*" and inserting "*political subdivision*".

Amend sec. 8, page 11, lines 12 and 14, by deleting "*health authority*" and inserting "*political subdivision*".

Amend sec. 8, page 11, line 19, by deleting "*or*".

Amend sec. 8, page 11, line 21, by deleting "*month.*" and inserting: "*month; or*

(3) Is a courtesy clerk.".

Amend the bill as a whole by deleting sections 9 and 10 and adding:

"Secs. 9. and 10. (Deleted by amendment.)".

Amend sec. 11, pages 12 and 13, by deleting lines 43 and 44 on page 12 and lines 1 and 2 on page 13, and inserting:

"Sec. 11. This act becomes effective on July 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT relating to labor; authorizing the Labor Commissioner to prescribe certain increases to the minimum wage under certain circumstances; requiring the Department of Employment, Training and Rehabilitation to perform certain calculations with respect to the cost of living for working families within the State; requiring the Commission on Economic Development to determine the efficacy of certain tax incentives and other incentives with respect to the creation of jobs within this state that pay livable wages; imposing certain requirements relating to the provision of family health care to the employees and dependents of certain larger grocery stores; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 146.

Amend section 1, page 2, line 32, by deleting "and" and inserting "~~[and]~~".

Amend section 1, page 2, after "(d)" by inserting:

"*Any prolonged period in which precipitation in the basin where the water right is located is below the average for that basin or in which indices that measure soil moisture show that a deficit in soil moisture has occurred in that basin; and*

(e)".

Amend section 1, page 3, by deleting lines 4 through 9.

Amend section 1, page 3, line 10, by deleting "*5.*" and inserting "4.".

Amend the title of the bill to read as follows:

"AN ACT relating to water; revising the circumstances that the State Engineer is required to consider in determining whether to grant or deny a request to extend the time necessary to work a forfeiture of certain water rights; and providing other matters properly relating thereto.".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 454.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 516.

Amend section 1, page 1, line 11, after "premiums;" by deleting "and".

Amend section 1, page 1, line 13, by deleting "governments." and inserting: "governments; and

(c) The effectiveness of the methods used by the program to negotiate for services and to award contracts in order to determine whether:

(1) The resulting program benefits are comparable to those obtained by other benefit plans of similar size; and

(2) Changes in those methods are warranted to ensure that the methods used result in securing high quality services delivered at the best price.".

Amend section 1, page 2, lines 2 and 3, by deleting: "February 7, 2005." and inserting: "November 1, 2004.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 453 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 430.

Amend sec. 3, pages 2 and 3, by deleting lines 29 through 45 on page 2 and lines 1 and 2 on page 3, and inserting:

"Sec. 3. *1. The Committee on Dental Hygiene is hereby created.*

2. The Committee consists of:

(a) The members of the Board who are dental hygienists; and

(b) One dentist who is a member of the Board and who has supervised a dental hygienist for at least 3 years immediately preceding his appointment to the Committee by the Board.

3. The Committee:

(a) May accept recommendations from dental hygienists, dentists and the general public and may meet to review such recommendations.

(b) May make recommendations to the Board concerning:

(1) The practice of dental hygiene; and

(2) The licensing of dental hygienists, including, without limitation, requirements relating to the education, examination and discipline of dental hygienists.

(c) Shall carry out any duties the Board may assign to the Committee.".

Amend sec. 4, page 3, lines 4 and 5, by deleting "*hygiene professional*" and inserting "*hygienist*".

Amend sec. 5, page 3, by deleting lines 8 through 31 and inserting:

"631.030 "Dental hygiene" means the performance of educational, preventive and therapeutic periodontal treatment including scaling, curettage and planing of roots and any related and required *intraoral or* extraoral procedures that a dentist is authorized to assign to a dental hygienist . ~~[he employs.]~~".

Amend sec. 6, page 3, by deleting lines 33 and 34 and inserting:

"631.040 "Dental hygienist" means any person who practices *the profession of* dental hygiene ~~[.]~~ *and is licensed pursuant to*".

Amend sec. 8, page 4, lines 8 and 9, by deleting: "~~[hygienists]~~ *hygiene professionals*" and inserting "hygienists".

Amend sec. 9, page 4, line 23, by deleting: "~~[hygienists]~~ *hygiene professionals*" and inserting "hygienists".

Amend sec. 10, page 4, line 43, by deleting "*hygiene professionals.*" and inserting "*hygienists.*".

Amend the bill as a whole by deleting sections 11 through 13 and adding:

"Secs. 11-13. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 15 through 30 and adding:

"Secs. 15-30. (Deleted by amendment.)".

Amend sec. 33, page 23, line 6, by deleting "hygiene professional" and inserting "hygienist".

Amend the title of the bill to read as follows:

"AN ACT relating to dental hygiene; authorizing the issuance of a temporary license to practice dental hygiene; creating the Committee on Dental Hygiene; prescribing the powers and duties of the Committee; expanding the definition of the term "dental hygiene"; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 420.

Bill read third time.

The following amendment was proposed by Assemblywomen Buckley and Weber:

Amendment No. 487.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend sec. 3, page 2, by deleting line 7 and inserting:

"Section 1. Chapter 647 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A peace officer or investigator who is involved in".

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 8 as sections 2 through 5.

Amend sec. 5, page 3, by deleting lines 11 through 14.

Amend sec. 7, page 4, line 26, by deleting "*felony.*" and inserting: "*felony involving moral turpitude or related to the qualifications, functions or duties of a secondhand dealer.*".

Amend sec. 8, page 5, line 20, by deleting "*felony.*" and inserting: "*felony involving moral turpitude or related to the qualifications, functions or duties of a secondhand dealer.*".

Assemblywoman Weber moved the adoption of the amendment.

Remarks by Assemblywoman Weber.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 3.

Bill read third time.

Remarks by Assemblymen Gibbons and Manendo.

Roll call on Assembly Bill No. 3:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 122:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 156:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 192.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Assembly Bill No. 192:
YEAS—40.
NAYS—Giunchigliani.
EXCUSED—Ohrenschall.
Assembly Bill No. 192 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 234.
Bill read third time.
Remarks by Assemblymen Manendo, Angle, and Giunchigliani.
Roll call on Assembly Bill No. 234:
YEAS—35.
NAYS—Angle, Beers, Gustavson, Hettrick, Knecht, Sherer—6.
EXCUSED—Ohrenschall.
Assembly Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 245.
Bill read third time.
Remarks by Assemblyman Collins.
Roll call on Assembly Bill No. 245:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 256.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Assembly Bill No. 256:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.

Assembly Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblymen Collins and Manendo.

Roll call on Assembly Bill No. 262:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 262 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 274.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 274:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 285.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 285:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 346:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 378.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 378:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 395.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Bill No. 395:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 395 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 29 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Anderson.
Motion carried.

Assemblyman Parks moved that Senate Bill No. 334 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 445.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 445:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 458.
Bill read third time.
Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 458:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 507.
Bill read third time.
Remarks by Assemblyman Williams.
Roll call on Assembly Bill No. 507:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 536.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 536:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Assembly Bill No. 536 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 417.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 417:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.
Senate Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 323.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Assembly Bill No. 323:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.

Assembly Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 29.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 520.

Amend section 1, page 1, line 10, by deleting "*$15*" and inserting "*$5*".

Amend section 1 page 1, line 13, after "*assessment.*" by inserting: "*If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.*".

Amend section 1, page 2, line 9, after "*bail.*" by inserting: "*If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7.*".

Amend section 1, pages 2 and 3, by deleting lines 34 through 44 on page 2 and lines 1 through 16 on page 3, and inserting: "*the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.*".

Amend section 1, pages 3 and 4, by deleting lines 21 through 45 on page 3 and lines 1 through 3 on page 4, and inserting: "*county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.*

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from".

Amend section 1, page 4, line 11, after "*(2)*" by inserting: "*Providing for personnel to staff and oversee the specialty court program;*

(3)".

Amend section 1, page 4, line 12, by deleting "*(3)*" and inserting "*(4)*".

Amend section 1, page 4, line 14, by deleting "*(4)*" and inserting "*(5)*".

Amend section 1, page 4, line 15, by deleting "*(5)*" and inserting "*(6)*".

Amend section 1, page 4, line 17, by deleting "*(6)*" and inserting "*(7)*".

Amend section 1, page 4, by deleting lines 18 and 19 and inserting:

"*10. As used in this section:*

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 176.059 is hereby amended to read as follows:

176.059 1. Except as otherwise provided in subsection 2, when a defendant pleads guilty or guilty but mentally ill or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:

Fine	Assessment
$5 to $49	~~[$15]~~ *$25*
50 to 59	~~[30]~~ *40*
60 to 69	~~[35]~~ *45*
70 to 79	~~[40]~~ *50*
80 to 89	~~[45]~~ *55*
90 to 99	~~[50]~~ *60*
100 to 199	~~[60]~~ *70*
200 to 299	~~[70]~~ *80*
300 to 399	~~[80]~~ *90*
400 to 499	~~[90]~~ *100*
500 to 1,000	~~[105]~~ *115*

If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection.

2. The provisions of subsection 1 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

3. The money collected for an administrative assessment must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. *If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 5 or 6.* If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment

he has paid and the justice or judge shall not recalculate the administrative assessment.

4. If the justice or judge permits the fine and administrative assessment to be paid in installments, the payments must be first applied to the unpaid balance of the administrative assessment. The city treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 5. The county treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 6.

5. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the municipal courts. Any money remaining in the special revenue fund after fiscal years must be deposited in the municipal general fund if it has not been committed for expenditure. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund.

6. The money collected for administrative assessments in justices' courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the justices' courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request

by a justice's court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund.

7. The money apportioned to a juvenile court, a justice's court or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve the operations of the court, or to acquire appropriate advanced technology or the use of such technology, or both. Money used to improve the operations of the court may include expenditures for:

(a) Training and education of personnel;

(b) Acquisition of capital goods;

(c) Management and operational studies; or

(d) Audits.

8. Of the total amount deposited in the State General Fund pursuant to subsections 5 and 6, the State Controller shall distribute the money received to the following public agencies in the following manner:

(a) Not less than 51 percent to the Office of ~~[the]~~ Court Administrator for allocation as follows:

(1) Eighteen and one-half percent of the amount distributed to the Office of ~~[the]~~ Court Administrator for the administration of the courts.

(2) Nine percent of the amount distributed to the Office of ~~[the]~~ Court Administrator for the development of a uniform system for judicial records.

(3) Nine percent of the amount distributed to the Office of ~~[the]~~ Court Administrator for continuing judicial education.

(4) Sixty percent of the amount distributed to the Office of ~~[the]~~ Court Administrator for the Supreme Court.

(5) Three and one-half percent of the amount distributed to the Office of ~~[the]~~ Court Administrator for the payment for the services of retired justices and retired district judges.

(b) Not more than 49 percent must be used to the extent of legislative authorization for the support of:

(1) The Central Repository for Nevada Records of Criminal History;

(2) The Peace Officers' Standards and Training Commission;

(3) The operation by the Nevada Highway Patrol of a computerized switching system for information related to law enforcement;

(4) The Fund for the Compensation of Victims of Crime; and

(5) The Advisory Council for Prosecuting Attorneys.

9. As used in this section ~~[, "juvenile]~~ *:*

(a) "Juvenile court" means:

~~[(a)]~~ *(1)* In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or

~~[(b)]~~ *(2)* In any other judicial district, the juvenile division of the district court.

(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.".

Amend sec. 2, page 4, line 40, after "assessment" by inserting: "*If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.*".

Amend the bill as a whole by renumbering sec. 3 as sec. 9, and adding new sections designated sections 4 through 8, following sec. 2, to read as follows:

"Sec. 4. NRS 178.502 is hereby amended to read as follows:

178.502 1. A person required or permitted to give bail shall execute a bond for his appearance. The magistrate or court or judge or justice, having regard to the considerations set forth in NRS 178.498, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

2. Any bond or undertaking for bail must provide that the bond or undertaking ~~[extends, for a period of at least 1 year unless bail is exonerated earlier pursuant to the provisions of subsection 4,]~~ *:*

(a) Extends to any action or proceeding in a justice's court, municipal court or district court:

~~[(a)]~~ *(1)* Arising from the charge on which bail was first given in any of these courts; and

~~[(b)]~~ *(2)* Arising from a later charge, filed before the expiration of the periods provided in subsection 4, which is substantially similar to the charge upon which bail was first given and is based upon the same act or omission as that charge ~~[.]~~ *; and*

(b) Remains in effect until exonerated by the court.

This subsection does not require that any bond or undertaking extend to proceedings on appeal.

3. If an action or proceeding against a defendant who has been admitted to bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.

4. If the action or proceeding against a defendant who has been admitted to bail is dismissed, the bail must not be exonerated until a period of 30 days has elapsed from the entry of the order of dismissal unless the defendant requests that bail be exonerated before the expiration of the 30-day period. If no formal action or proceeding is instituted against a defendant who has been admitted to bail, the bail must not be exonerated until a period of 30 days has elapsed from the day the bond or undertaking is posted unless the defendant requests that bail be exonerated before the expiration of the 30-day period.

5. If, within the periods provided in subsection 4, the defendant is charged with a public offense arising out of the same act or omission supporting the charge upon which bail was first given, the prosecuting attorney shall forthwith notify the clerk of the court where the bond was

posted, the bail must be applied to the public offense later charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the bail is transferred shall mail notice of the transfer to the surety on the bond and the bail agent who executed the bond.

6. Bail given originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.

Sec. 5. NRS 178.508 is hereby amended to read as follows:

178.508 1. If the defendant fails to appear when his presence in court is lawfully required for the commission of a misdemeanor and the failure to appear is not excused or is lawfully required for the commission of a gross misdemeanor or felony, the court shall:

(a) Enter upon its minutes that the defendant failed to appear;

(b) Not later than 45 days after the date on which the defendant failed to appear, order the issuance of a warrant for the arrest of the defendant; and

(c) If the undertaking exceeds $50 or money deposited instead of bail bond exceeds $500, direct that each surety and the local agent of each surety, or the depositor if he is not the defendant, be given notice that the defendant has failed to appear, by certified mail within 20 days after the date on which the defendant failed to appear. The court shall execute an affidavit of such mailing to be kept as an official public record of the court and shall direct that a copy of the notice be transmitted to the prosecuting attorney at the same time that notice is given to each surety or the depositor.

2. Except as otherwise provided in subsection 3 and NRS 178.509, ~~[the]~~ *an order of forfeiture of any* undertaking or money deposited instead of bail bond *must be prepared by the clerk of court and signed by the court. An order of forfeiture must include the date on which the forfeiture becomes effective. If the defendant who failed to appear has been charged with the commission of a gross misdemeanor or felony, a copy of the order must be forwarded to the Office of Court Administrator. The undertaking or money deposited instead of bail bond* is forfeited 180 days after the date on which the notice is mailed pursuant to subsection 1.

3. The court may extend the date of the forfeiture for any reasonable period set by the court if the surety or depositor submits to the court:

(a) An application for an extension and the court determines that the surety or the depositor is making reasonable and ongoing efforts to bring the defendant before the court.

(b) An application for an extension on the ground that the defendant is temporarily prevented from appearing before the court because the defendant:

(1) Is ill;

(2) Is insane; or

(3) Is being detained by civil or military authorities, and the court, upon hearing the matter, determines that one or more of the grounds described in

this paragraph exist and that the surety or depositor did not in any way cause or aid the absence of the defendant.

Sec. 6. NRS 178.512 is hereby amended to read as follows:

178.512 *1.* The court shall not set aside a forfeiture unless:

~~[1.]~~ *(a)* The surety submits an application to set it aside on the ground that the defendant:

~~[(a)]~~ *(1)* Has appeared before the court since the date of the forfeiture and has presented a satisfactory excuse for his absence;

~~[(b)]~~ *(2)* Was dead before the date of the forfeiture but the surety did not know and could not reasonably have known of his death before that date;

~~[(c)]~~ *(3)* Was unable to appear before the court before the date of the forfeiture because of his illness or his insanity, but the surety did not know and could not reasonably have known of his illness or insanity before that date;

~~[(d)]~~ *(4)* Was unable to appear before the court before the date of the forfeiture because he was being detained by civil or military authorities, but the surety did not know and could not reasonably have known of his detention before that date; or

~~[(e)]~~ *(5)* Was unable to appear before the court before the date of the forfeiture because he was deported, but the surety did not know and could not reasonably have known of his deportation before that date,

and the court, upon hearing the matter, determines that one or more of the grounds described in this subsection exist and that the surety did not in any way cause or aid the absence of the defendant; and

~~[2.]~~ *(b)* The court determines that justice does not require the enforcement of the forfeiture.

2. If the court sets aside a forfeiture pursuant to subsection 1 and the forfeiture includes any undertaking or money deposited instead of bail bond where the defendant has been charged with a gross misdemeanor or felony, the court shall make a written finding in support of setting aside the forfeiture. The court shall mail a copy of the order setting aside the forfeiture to the Office of Court Administrator immediately upon entry of the order.

Sec. 7. NRS 178.514 is hereby amended to read as follows:

178.514 1. When a forfeiture has not been set aside, the court shall on motion enter a judgment of default and execution may issue thereon.

2. *If the Office of Court Administrator has not received an order setting aside a forfeiture within 180 days after the issuance of the order, the Court Administrator shall request that the court that ordered the forfeiture institute proceedings to enter a judgment of default with respect to the amount of the undertaking or money deposited instead of bail bond with the court. Not later than 30 days after receipt of the request from the Office of Court Administrator, the court shall enter judgment by default and commence execution proceedings therein.*

3. By entering into a bond the obligors submit to the jurisdiction of the court and irrevocably appoint the clerk of the court as their agent upon whom

any papers affecting their liability may be served. Their liability may be enforced on motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the obligors to their last known addresses.

Sec. 8. NRS 178.518 is hereby amended to read as follows:

178.518 Money collected pursuant to NRS 178.506 to 178.516, inclusive, which was collected:

1. From a person who was charged with a misdemeanor must be paid over to the county treasurer.

2. From a person who was charged with a gross misdemeanor or a felony must be paid over to the State Controller for deposit in the ~~[Fund for the Compensation of Victims of Crime.]~~ *State General Fund for distribution in the following manner:*

(a) Fifty percent for credit to the Fund for the Compensation of Victims of Crime; and

(b) Fifty percent for credit to the special account established pursuant to section 1 of this act to assist with funding and establishing specialty court programs.".

Amend the bill as a whole by renumbering sections 4 through 6 as sections 11 through 13 and adding a new section designated sec. 10, following sec. 3, to read as follows:

"Sec. 10. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this state and make recommendations, through the Chief Justice, for the improvement of those procedures;

2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;

3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;

4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the state court system and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the state court system and make recommendations in respect thereto;

6. Develop procedures for accounting, internal auditing, procurement and disbursement for the state court system;

7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the state court system and the offices connected therewith;

8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 and make reports as to the cases filed in the district courts;

9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the state court system;

10. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;

11. *On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:*

(a) The distribution of money deposited in the special account created pursuant to section 1 of this act to assist with funding and establishing specialty court programs;

(b) The current status of any specialty court programs to which money from the account was allocated since the last report; and

(c) Such other related information as the Court Administrator deems appropriate;

12. On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person; and

~~[12.]~~ *13.* Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.".

Amend the title of the bill to read as follows:

"AN ACT relating to criminal procedure; providing for an additional administrative assessment to be collected in cases involving a misdemeanor to pay for certain specialty court programs established by courts; increasing the amount of certain administrative assessments; providing procedures for forfeiture of any undertaking or money deposited instead of bail bond; requiring the Court Administrator to submit a report concerning certain specialty court programs; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning administrative assessments and forfeiture of bail. (BDR 14-130)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 1:44 p.m.

ASSEMBLY IN SESSION

At 1:47 p.m.
Mr. Speaker presiding.
Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Oceguera moved that the following remarks be entered in the Journal:

ASSEMBLYMAN MABEY:

Thank you, Mr. Speaker. I received a call this morning from my second daughter, Rebecca. She received her driver's permit and is quite pleased. Those in Clark County, be careful. I want her to know that I love her and I am proud of her. Thank you, Mr. Speaker.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Driscoll, Melvin Sandoval, Fred Bartlett, Troy Segmille, Scott Sigstad, Janet Long, Leroy Kisling, Dianne Wiseman, Michelle Medgyesi, Colleen Murray, Ray Valdez, Suzie Stormon, Linda Dawson, Timothy Patton, Sigrid Kilgore, CJ Alger, Jeana Bruscher, Henry Bruyn, Colt Callaghan, Jake Churchill, Taylor Cooke, Rachel Deci, Katie Deoge, Emily Driscoll, Adrian Duke, Colton Fent, Zachariah Ford, Lance Foster, Austin Foxcroft, Jeremy Ho, Francisco Ponce, Anna Sandoval, Tarek Barghouti, Joseph Barlett, Rachel Davis, Ellie DelChiaro, Eric Kuhn, Veronica Lopez-Estrada, Luis Mayorga, Eric Medgyesi, Todd Morgan, Alex Murray-Watters, Colin Murray-Watters, Steven Nieto-Sparks, Marvin Patino, David Penner, Kayla Rider, Taiana Salazar, Amanda Tipton, Jessica Verdin, Andrew Warren, Robert Wiseman, Nyssa Bennett, Kathryn Barrett, Juliana Bledsoe, Cesare Caldwell, Christina Cohan, Alma Contreras, Nicole Dobson, Mystica Eller, Maria Garcia, William Hamilton, Heather Hollinger, Alex Joslin, Bradley Kannon, Trevor Kilgore, Chelsey Larsen, Jennifer Lee, Shyler Leon, Jonathon Long, Ashley Martinez, Leah Mazza, Noah McCorkle, Daniel Patton, Maria Perez, Wyatt Price, Martin Quesada, Sebastain Quidachay, Angela Ramirez, Bryan Redeford, Lindsy Roberts, Brittany Roeschen, Arianna Rosen, Robert Schlesinger, Austin Sigstad, Kyle Smith, Riley Tauchen, Christopher White, Michael Williams, Max Wise, and Paul Yarborough.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Pierce and Trisha Pierce.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to David Adams.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Abel Carlos.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Fox.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, April 21, 2003, at 9:30 a.m.

Motion carried.

Assembly adjourned at 1:49 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SECOND SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2003

BEGUN ON MONDAY, THE THIRD DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SECOND DAY OF JUNE

VOLUME 2

**THE SEVENTY-EIGHTH DAY—
THE ONE HUNDRED AND ELEVENTH DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS
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SPO, Carson City, Nevada, 2004

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THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 21, 2003

Assembly called to order at 10:24 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Yvonne L. Murphy.

Our Father God in Heaven, we bow before You today, seeking Your divine guidance, wisdom, grace, and most of all Your compassion. As I think about the business of this Chamber, I am reminded of words written by Paul, in Philippians, the 3rd chapter and the 13th verse: "Brethren, I count not myself apprehended; but this one thing I do, forgetting those things which are behind and reaching forth unto the things that lie before me." Lord, may we humbly press forward in our legislative service and provide for the citizens of this great State wise and judicious leadership.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 326, 384, 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which was referred Assembly Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which was referred Assembly Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which was referred Assembly Bill No. 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 38, 102, 124, 234, 241, 317, 458.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of Histories on all bills be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 38.

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

Motion carried.

Senate Bill No. 102.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 124.

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

Motion carried.

Senate Bill No. 234.

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

Motion carried.

Senate Bill No. 241.

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

Motion carried.

Senate Bill No. 317.

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

Motion carried.

Senate Bill No. 458.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 267 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Remarks by Assemblywoman Chowning

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 354 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 208, 215, 237, 320, 326, 348, 366, 503, 516 and 519 be placed on the Second Reading File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 246 be placed on the General File.

Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 453 be taken from the Chief Clerk's desk and placed at the top of the Second Reading File.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 311 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Williams.

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

Assembly in recess at 10:38 a.m.

ASSEMBLY IN SESSION

At 10:44 a.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Williams withdrew the motion that Assembly Bill No. 311 be taken from the General File and re-referred to the Committee on Ways and Means.

SECOND READING AND AMENDMENT

Assembly Bill No. 453.
Bill read second time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 524.
Amend sec. 4, page 4, by deleting line 15 and inserting:
"(2) Medical *or dental* malpractice ~~[:]~~ *of:*
(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639 or 640 of NRS;
(II) A hospital or other health care facility; or
(III) Any related corporate entity.".
Amend sec. 22, page 21, line 19, by deleting "*felony,*" and inserting: "*felony committed on or after October 1, 2003,*".
Amend the bill as a whole by adding new sections designated sections 38.3 and 38.7, following sec. 38, to read as follows:
"Sec. 38.3. NRS 685A.080 is hereby amended to read as follows:
685A.080 1. Upon placing a surplus lines coverage, the broker shall promptly issue and deliver to the insured evidence of the insurance consisting either of the policy as issued by the insurer, or, if such a policy is not then available, the surplus lines broker's certificate executed by the broker or a cover note . ~~[endorsed by the broker.]~~ Such a certificate or ~~[endorsed]~~ cover note must show the description and location of the subject of the insurance, coverage, conditions and term of the insurance, the premium and rate charged and taxes collected from the insured, and the name and address of the insured and insurer and must state that the broker has verified that the insurance described has been granted or issued. If the direct risk is assumed by more than one insurer, the certificate must state the name and address and proportion of the entire direct risk assumed by each such insurer.
2. A broker shall not issue any such certificate or any cover note, or purport to insure or represent that insurance will be or has been granted by any unauthorized insurer, unless he has prior written authority from the

insurer for the insurance, or has received information from the insurer in the regular course of business that the insurance has been granted, or an insurance policy providing the insurance actually has been issued by the insurer and delivered to the insured.

3. If after the issuance and delivery of any such certificate there is any change as to the identity of the insurers, or the proportion of the direct risk assumed by an insurer as stated in the broker's original certificate, or in any other material respect as to the insurance evidenced by the certificate, the broker shall promptly issue and deliver to the insured a substitute certificate accurately showing the current status of the coverage and the insurers responsible thereunder.

4. If a policy issued by the insurer is not available upon placement of the insurance and the broker has issued and delivered his certificate as provided in this section, upon request therefor by the insured the broker shall as soon as reasonably possible procure from the insurer its policy evidencing the insurance and deliver the policy to the insured in replacement of the broker's certificate theretofore issued.

5. Any surplus lines broker who knowingly or negligently issues a false certificate of insurance or who fails promptly to notify the insured of any material change with respect to the insurance by delivery to the insured of a substitute certificate as provided in subsection 3 is subject to the penalty provided by NRS 679A.180 or to any greater applicable penalty otherwise provided by law.

Sec. 38.7. NRS 685A.090 is hereby amended to read as follows:

685A.090 ~~[Every]~~ *Each* insurance contract procured and delivered as a surplus lines coverage pursuant to this chapter must ~~[be countersigned by the broker who procured it, and must]~~ have conspicuously stamped upon it:

This insurance contract is issued pursuant to the Nevada insurance laws by an insurer neither licensed by nor under the supervision of the Division of Insurance of the Department of Business and Industry of the State of Nevada. If the insurer is found insolvent, a claim under this contract is not covered by the Nevada Insurance Guaranty Association Act.".

Amend sec. 39, page 33, line 4, by deleting: "in this state" and inserting: "~~[in this state]~~".

Amend the bill as a whole by adding a new section designated sec. 39.5, following sec. 39, to read as follows:

"Sec. 39.5. NRS 685A.180 is hereby amended to read as follows:

685A.180 1. On or before March 1 of each year each broker shall pay to the Commissioner a tax on surplus lines coverages written by him in unauthorized insurers during the preceding calendar year at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers. If a broker has paid any taxes pursuant to NRS 685A.175, he shall deduct the total paid from the tax due and pay the remainder, if any.

2. For the purposes of this section, the "premium" on surplus lines coverages includes:

(a) The gross amount charged by the insurer for the insurance, less any return premium;

(b) Any fee allowed by NRS 685A.155;

(c) Any policy fee;

(d) Any membership fee; ~~[and]~~

(e) Any *inspection fee; and*

(f) Any other fees or assessments charged by the insurer as consideration for the insurance. Premium does not include any additional amount charged for state or federal tax, *or for* filing affidavits or reports of coverage . ~~[, inspection fee or the communication expenses of the broker.]~~

3. If a contract for surplus lines insurance covers risks or exposures only partially in this state, the tax so payable must be computed on that portion of the premium properly allocable to the risks or exposures located in this state. The Commissioner may adopt regulations which establish standards for allocating premiums for risks located in this state in the same manner as premiums are allocated pursuant to NRS 680B.030.

4. The Commissioner shall promptly deposit all taxes collected by him pursuant to this section with the State Treasurer, to the credit of the State General Fund.

5. A broker who receives a credit for tax paid shall refund to each insured the amount of the credit attributable to the insured when the insurer pays a return premium or within 30 days, whichever is earlier.".

Amend sec. 43, page 34, line 35, after "*insurer*" by inserting: "*or a domestic reciprocal insurer*".

Amend sec. 44, page 34, line 39, by deleting "*insurer.*" and inserting: "*insurer or a domestic reciprocal insurer.*".

Amend sec. 44, page 34, line 45, after "*insurer*" by inserting: "*or a domestic reciprocal insurer*".

Amend sec. 44, page 35, line 3, by deleting "*insurer;*" and inserting: "*insurer or a domestic reciprocal insurer;*".

Amend sec. 45, page 35, line 10, by deleting "*insurer,*" and inserting: "*insurer or domestic reciprocal insurer,*".

Amend sec. 45, page 35, line 16, by deleting "*insurer.*" and inserting: "*insurer or domestic reciprocal insurer.*".

Amend sec. 45, page 35, by deleting lines 17 through 19 and inserting:

"*3. An association must comply with the provisions of:*

(a) Chapter 692B of NRS, as applicable to mutual insurers, to qualify as a domestic mutual insurer; or

(b) Chapter 694B of NRS, as applicable to reciprocal insurers, to qualify as a domestic reciprocal insurer.".

Amend sec. 46, page 35, line 22, after "*insurers,*" by inserting: "*if the association is qualifying as a domestic mutual insurer, or to domestic*

reciprocal insurers, if the association is qualifying as a domestic reciprocal insurer,".

Amend sec. 46, page 35, line 24, by deleting "*insurer.*" and inserting: "*insurer or a domestic reciprocal insurer.*".

Amend sec. 48, page 36, line 14, by deleting "*divided*" and inserting "*dividend*".

Amend sec. 48, page 36, line 20, after "*returned*" by inserting: "*for a policy of industrial insurance*".

Amend sec. 56, page 43, line 22, before "An" by inserting "*1.*".

Amend sec. 56, page 43, line 24, by deleting "30" and inserting "~~[30]~~ *60*".

Amend sec. 56, page 43, line 34, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 56, page 43, line 36, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 56, page 43, between lines 36 and 37, by inserting:

"*2. For the purpose of subsection 1, if the policy is a policy of industrial insurance, the term "rate" means the cost of insurance based on a unit of exposure to liability before any adjustments are made for an individual employer's losses or expenses, or a combination of both. The term does not include:*

(a) The minimum premiums charged by an insurer;

(b) The prospective loss cost portion of the rate as filed by the Advisory Organization and approved by the Commissioner pursuant to NRS 686B.177; or

(c) Any experience modification factor applicable to the holder of the policy.".

Amend the bill as a whole by deleting sec. 76 and adding:

"Sec. 76. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 80.5, following sec. 80, to read as follows:

"Sec. 80.5. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679B.700, subsections 2, 4, 18, 19 and 32 of NRS 680B.010, NRS ~~[680B.025]~~ *680B.020* to 680B.060, inclusive, and chapter 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization." ".

Amend the bill as a whole by adding a new section designated sec. 82.5, following sec. 82, to read as follows:

"Sec. 82.5. NRS 697.270 is hereby amended to read as follows:

697.270 A bail agent shall not ~~[become a surety]~~ *act as an attorney-in-fact for an insurer* on an undertaking unless he has registered in the office of the sheriff and with the clerk of the district court in which the agent resides, and he may register in the same manner in any other county. Any bail agent shall file a certified copy of his appointment by power of attorney from each insurer which he represents as agent with each of such officers. The bail

agent shall register and file a certified copy of renewed power of attorney annually on July 1. The clerk of the district court and the sheriff shall not permit the registration of a bail agent unless the agent is licensed by the Commissioner.".

Amend the bill as a whole by adding a new section designated sec. 83.5, following sec. 83, to read as follows:

"Sec. 83.5. NRS 697.300 is hereby amended to read as follows:

697.300 1. A bail agent shall not, in any bail transaction or in connection therewith, directly or indirectly, charge or collect money or other valuable consideration from any person except for the following purposes:

(a) To pay the premium at the rates established by the insurer, in accordance with chapter 686B of NRS, or to pay the charges for the bail bond filed in connection with the transaction at the rates filed in accordance with the provisions of this Code. The rates must be ~~[not less than 10 percent or more than]~~ 15 percent of the amount of the bond or $50, whichever is greater.

(b) To provide collateral.

(c) To reimburse himself for actual expenses incurred in connection with the transaction. Such expenses are limited to:

(1) Guard fees.

(2) Notary public fees, recording fees, expenses incurred for necessary long distance telephone calls and charges for telegrams.

(3) Travel expenses incurred more than 25 miles from the agent's principal place of business. Such expenses:

(I) May be billed at the rate provided for state officers and employees generally; and

(II) May not be charged in areas where bail agents advertise a local telephone number.

(4) Expenses incurred to verify underwriting information.

(5) Any other actual expenditure necessary to the transaction which is not usually and customarily incurred in connection with bail transactions.

(d) To reimburse himself, or have a right of action against the principal or any indemnitor, for actual expenses incurred in good faith, by reason of breach by the defendant of any of the terms of the written agreement under which and pursuant to which the undertaking of bail or bail bond was written. If there is no written agreement, or an incomplete writing, the surety may, at law, enforce its equitable rights against the principal and his indemnitors, in exoneration. Such reimbursement or right of action must not exceed the principal sum of the bond or undertaking, plus any reasonable expenses that may be verified by receipt in a total amount of not more than the principal sum of the bond or undertaking, incurred in good faith by the surety, its agents, licensees and employees by reason of the principal's breach.

2. This section does not prevent the full and unlimited right of a bail agent to execute undertaking of bail on behalf of a nonresident agent of the surety he represents. The licensed resident bail agent is entitled to a

minimum countersignature fee of $5, with a maximum countersignature fee of $100, plus expenses incurred in accordance with paragraphs (c) and (d) of subsection 1. Such countersignature fees may be charged in addition to the premium of the undertaking.".

Amend sec. 84, page 65, line 42, by deleting "*section.*" and inserting "*chapter.*".

Amend sec. 84, page 66, line 8, after "*whether*" by inserting: "*the bail agent or surety insurer has received notice that*".

Amend sec. 84, page 66, by deleting lines 10 and 11 and inserting: "obligation of a bond, it must be returned ~~[within 30 days]~~ *immediately* after *receipt of the request for return of the collateral and notice of* the entry of any order by an authorized official".

Amend sec. 84, page 66, line 26, after "*whether the*" by inserting: "*bail agent or surety insurer has received notice that the*".

Amend sec. 84, page 66, line 36, by deleting "*assignee*" and inserting "*surety insurer*".

Amend the bill as a whole by adding a new section designated sec. 85.5, following sec. 85, to read as follows:

"Sec. 85.5. NRS 178.512 is hereby amended to read as follows:

178.512 The court shall not set aside a forfeiture unless:

1. The surety submits an application to set it aside on the ground that the defendant:

(a) Has appeared before the court since the date of the forfeiture and has presented ~~[a]~~ *:*

(1) A satisfactory excuse for his absence; *and*

(2) Satisfactory evidence that the surety did not in any way cause or aid the absence of the defendant;

(b) Was dead before the date of the forfeiture but the surety did not know and could not reasonably have known of his death before that date;

(c) Was unable to appear before the court before the date of the forfeiture because of his illness or his insanity, but the surety did not know and could not reasonably have known of his illness or insanity before that date;

(d) Was unable to appear before the court before the date of the forfeiture because he was being detained by civil or military authorities, but the surety did not know and could not reasonably have known of his detention before that date; or

(e) Was unable to appear before the court before the date of the forfeiture because he was deported, but the surety did not know and could not reasonably have known of his deportation before that date,

and the court, upon hearing the matter, determines that one or more of the grounds described in this subsection exist and that the surety did not in any way cause or aid the absence of the defendant; and

2. The court determines that justice does not require the enforcement of the forfeiture.".

Amend sec. 89, page 70, line 44, by deleting "~~[120]~~ *30*" and inserting "120".

Amend sec. 90, page 72, line 18, by deleting "April" and inserting "~~[April]~~ *May*".

Amend sec. 90, page 72, line 19, by deleting "90" and inserting "~~[90]~~ *120*".

Amend the bill as a whole by deleting sec. 92 and adding:

"Sec. 92. (Deleted by amendment.)".

Amend sec. 94, page 74, lines 21 through 23, by deleting the brackets and strike-through.

Amend sec. 94, page 74, line 25, by deleting "~~[(d)]~~ *(c)*" and inserting "(d)".

Amend the bill as a whole by deleting sec. 95 and adding:

"Sec. 95. (Deleted by amendment.)".

Amend the title of the bill by deleting the thirteenth through twenty-first lines and inserting: "are obligated to pay for a covered claim; requiring an insurer that issues a policy of insurance covering the liability of certain physicians to submit a report to the Commissioner within a certain period after closing a claim under the policy; revising the order of distribution of certain claims from the estate of an insurer on liquidation of the insurer; prohibiting a bail agent from acting as an attorney-in-fact for an insurer on an undertaking unless the bail agent registers in the office of the sheriff and with the clerk of the district court in which the bail agent resides; requiring a member of an association of self-insured public or private employers to include certain information in a notice of intent to withdraw from the association; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 518.

Amend the bill as a whole by adding a new section designated as sec. 55.5, following sec. 55, to read as follows:

"Sec. 55.5. NRS 687B.145 is hereby amended to read as follows:

687B.145 1. Any policy of insurance or endorsement providing coverage under the provisions of NRS 690B.020 or other policy of casualty insurance may provide that if the insured has coverage available to him under more than one policy or provision of coverage, any recovery or benefits may equal but not exceed the higher of the applicable limits of the respective coverages, and the recovery or benefits must be prorated between the applicable coverages in the proportion that their respective limits bear to the aggregate of their limits. Any provision which limits benefits pursuant to this section must be in clear language and be prominently displayed in the policy, binder or endorsement. Any limiting provision is void if the named insured

has purchased separate coverage on the same risk and has paid a premium calculated for full reimbursement under that coverage.

2. Except as otherwise provided in subsection 5, insurance companies transacting motor vehicle insurance in this state must offer, on a form approved by the Commissioner, uninsured and underinsured vehicle coverage in an amount equal to the limits of coverage for bodily injury sold to an insured under a policy of insurance covering the use of a passenger car. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage. Uninsured and underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of his own coverage any amount of damages for bodily injury from his insurer which he is legally entitled to recover from the owner or operator of the other vehicle to the extent that those damages exceed the limits of the coverage for bodily injury carried by that owner or operator. *If an insured suffers actual damages subject to the limitation of liability provided pursuant to NRS 41.035, underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of his own coverage any amount of damages for bodily injury from his insurer for the actual damages suffered by the insured that exceed that limitation of liability.*

3. An insurance company transacting motor vehicle insurance in this state must offer an insured under a policy covering the use of a passenger car, the option of purchasing coverage in an amount of at least $1,000 for the payment of reasonable and necessary medical expenses resulting from an accident. The offer must be made on a form approved by the Commissioner. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage.

4. An insurer who makes a payment to an injured person on account of underinsured vehicle coverage as described in subsection 2 is not entitled to subrogation against the underinsured motorist who is liable for damages to the injured payee. This subsection does not affect the right or remedy of an insurer under subsection 5 of NRS 690B.020 with respect to uninsured vehicle coverage. As used in this subsection, "damages" means the amount for which the underinsured motorist is alleged to be liable to the claimant in excess of the limits of bodily injury coverage set by the underinsured motorist's policy of casualty insurance.

5. An insurer need not offer, provide or make available uninsured or underinsured vehicle coverage in connection with a general commercial liability policy, an excess policy, an umbrella policy or other policy that does not provide primary motor vehicle insurance for liabilities arising out of the

ownership, maintenance, operation or use of a specifically insured motor vehicle.

6. As used in this section:

(a) "Excess policy" means a policy that protects a person against loss in excess of a stated amount or in excess of coverage provided pursuant to another insurance contract.

(b) "Passenger car" has the meaning ascribed to it in NRS 482.087.

(c) "Umbrella policy" means a policy that protects a person against losses in excess of the underlying amount required to be covered by other policies.".

Amend the title of the bill, tenth line, after "Commissioner;" by inserting: "clarifying that underinsured vehicle coverage includes coverage for certain damages to the extent those damages exceed a limitation of liability for a governmental agency;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 349.

Amend sec. 6, page 4, line 8, by deleting: "upon passage and approval." and inserting: "on July 1, 2003.".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 215.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 346.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sec. 3 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 548 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *In addition to other powers granted in this chapter, a district and the supervisors thereof may, in furtherance of the purposes and provisions of this chapter:*

1. Obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, except by adverse possession, any property, real or personal, or rights or interests therein;

2. Maintain, administer and improve any properties acquired;

3. Receive income from such properties and expend that income; and

4. Sell, lease or otherwise dispose of any of its property or interests therein.

Sec. 3. *1. If a district acquires real property on or after July 1, 2003, which is not exempt from property taxes at the time it is acquired by the district, the board of county commissioners of the county in which the property is located shall determine whether the district is required to make payments in lieu of taxes on the property.*

2. In determining whether to require the district to make payments in lieu of taxes, the board shall consider the contributions made by the district to the community, such as, providing a meeting place for community activities and such other factors as the board determines appropriate.

3. If the district is required to make payments in lieu of taxes, the amount of the payments must be equal to the property taxes which would have been payable on the property if it were not exempt from taxation. The county assessor shall, solely for the purpose of facilitating the payments in lieu of taxes:

(a) Assess the property in the same manner as the taxable property in the county is assessed; and

(b) Mail to the district an individual bill for the payment in lieu of taxes in the same manner as is required by NRS 361.480 for an individual tax bill.

4. The payments in lieu of taxes are due at the same time and must be collected, accounted for and distributed in the same manner as if the property remained taxable after it was acquired by the district, except that no lien attaches upon any property or money of the district by virtue of any failure to make all or any part of the payments.

Sec. 4. NRS 361.060 is hereby amended to read as follows:

361.060 *1.* All lands and other property owned by the Nevada Rural Housing Authority or any county, domestic municipal corporation, irrigation drainage or reclamation district or town in this state are exempt from taxation, except as *otherwise* provided in NRS 539.213 with respect to certain community pastures.

2. Real property acquired on or after July 1, 2003, by a conservation district pursuant to section 2 of this act is exempt from taxation.".

Amend the title of the bill to read as follows:

"AN ACT relating to conservation districts; authorizing a conservation district to acquire, maintain or dispose of real or personal property for certain purposes; requiring a board of county commissioners to determine whether certain real property acquired by a conservation district is subject to payments in lieu of taxes; requiring the board of county commissioners to consider certain factors in making that determination; exempting from taxation certain real property acquired by a conservation district; and providing other matters properly relating thereto.".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 191.

Amend the bill as a whole by deleting sections 1 through 4, renumbering sections 5 through 13 as sections 2 through 10, and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 486A of NRS is hereby amended by adding thereto a new section to read as follows:

"Ultra low-sulfur diesel fuel" means diesel fuel having a maximum sulfur content of 15 parts per million by weight.".

Amend sec. 6, page 2, line 36, by deleting: "*sections 2, 3 and 4*" and inserting "*section 1*".

Amend sec. 6, page 2, line 38, by deleting: "*sections 2, 3 and 4*" and inserting "*section 1*".

Amend sec. 7, page 3, by deleting lines 2 through 5 and inserting: "*California Air Resources Board; and*

4. Finished diesel fuel that:

(a) Meets American Society for Testing and Materials (ASTM) specification D975; and

*(b) Includes at least 5 percent but not more than 20 percent biodiesel fuel blend stock for distillate fuels meeting ASTM specification D6751,*which comply with the regulations adopted by the United States".

Amend sec. 8, page 3, by deleting lines 16 through 20 and inserting:

"~~[3. Diesel fuel that meets the requirements imposed by the California Air Resources Board; and~~

~~4.]~~*and*

2. Finished diesel fuel that:

(a) Meets American Society for Testing and Materials (ASTM) specification D975; and

*(b) Includes at least 5 percent but not more than 20 percent biodiesel fuel blend stock for distillate fuels meeting ASTM specification D6751,*which comply with the regulations adopted by the United States".

Amend sec. 9, page 3, by deleting lines 29 through 33 and inserting:

"*2. Regardless of the type of fuel on which it operates, has been certified by the United States Environmental Protection Agency as being in compliance with the standards for the control of emissions from an ultra low-emission vehicle, or more stringent standards, as set forth in 40 C.F.R. § 88.104-94 or 88.105-94.*".

Amend sec. 10, page 3, line 37, by deleting: "*sections 2, 3 and 4*" and inserting "*section 1*".

Amend sec. 10, page 4, line 5, by deleting: "*sections 2, 3 and 4*" and inserting "*section 1*".

Amend sec. 11, page 4, line 11, by deleting: "*sections 2, 3 and 4*" and inserting "*section 1*".

Amend sec. 11, page 4, line 19, by deleting: "*sections 2, 3 and 4*" and inserting "*section 1*".

Amend sec. 11, page 4, line 23, by deleting: "*sections 2, 3 and 4*" and inserting "*section 1*".

Amend sec. 13, page 5, by deleting lines 1 through 5 and inserting:

"Sec. 10. 1. This section and sections 1 to 4, inclusive, and 6 to 9, inclusive, of this act become effective on July 1, 2003.

2. Sections 1 and 4 of this act expire by limitation on December 31, 2006.

3. Section 5 of this act becomes effective on January 1, 2007.".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 361.

Amend section 1, page 2, by deleting lines 7 and 8 and inserting: "*not charge the insurer or a provider of health care:*

(a) A fee to include the name of the provider on the panel of providers of health care; or

(b) Any other fee related to establishing a provider of health care as a provider for the organization.".

Amend sec. 2, page 3, line 14, by deleting "*shall*" and inserting "*shall:*".

Amend sec. 2, page 3, by deleting lines 15 through 17 and inserting:

"*1. If requested by the provider of health care at the time the contract is made, submit to the provider of health care a copy of the schedule of payments applicable to the provider of health care; or*

2. If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in subsection 1 within 7 days after receiving the request.".

Amend sec. 10, page 10, line 22, after "*care;*" by inserting "*and*".

Amend sec. 10, page 10, by deleting lines 23 through 26 and inserting:

"*(b) The contract complies with the provisions of this section.*".

Amend sec. 10, page 11, between lines 10 and 11, by inserting:

"*9. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:*

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.".

Amend sec. 14, page 13, line 44, after "*care;*" by inserting "*and*".

Amend sec. 14, page 14, by deleting lines 1 through 4 and inserting:

"*(b) The contract complies with the provisions of this section.*".

Amend sec. 14, page 14, between lines 33 and 34, by inserting:

"*9. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:*

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.".

Amend sec. 16, page 16, line 20, after "*care;*" by inserting "*and*".

Amend sec. 16, page 16, by deleting lines 21 through 24 and inserting:

"*(b) The contract complies with the provisions of this section.*".

Amend sec. 16, page 17, between lines 8 and 9, by inserting:

"*9. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:*

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.".

Amend sec. 23, page 21, line 11, after "*care;*" by inserting "*and*".

Amend sec. 23, page 21, by deleting lines 12 through 15 and inserting:

"*(b) The contract complies with the provisions of this section.*".

Amend sec. 23, page 21, after line 44, by inserting:

"*9. If a society contracts with a provider of health care to provide health care to an insured, the society shall:*

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.".

Amend sec. 25, page 23, line 11, after "*care;*" by inserting "*and*".

Amend sec. 25, page 23, by deleting lines 12 through 15 and inserting:

"*(b) The contract complies with the provisions of this section.*".

Amend sec. 25, page 23, after line 44, by inserting:

"*9. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:*

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.".

Amend sec. 28, page 26, by deleting lines 40 and 41 and inserting:

"4. The provisions of *chapter 686A,* NRS 695C.110, *695C.125,* 695C.170 to 695C.200, inclusive, 695C.250 and 695C.265 *and section 27 of this act* do not apply to a health".

Amend sec. 28, page 27, lines 5 and 6, by deleting: "*and section 27 of this act*".

Amend sec. 29, page 27, line 13, after "NRS" by inserting: "*and section 1 of this act*".

Amend sec. 30, page 27, by deleting lines 19 through 22 and inserting:

"695C.125 ~~[A health maintenance organization shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the health maintenance organization to its enrollees.]~~".

Amend sec. 30, page 27, line 23, by deleting "*2.*" and inserting "*1.*".

Amend sec. 30, page 27, line 28, after "*care;*" by inserting "*and*".

Amend sec. 30, page 27, by deleting lines 29 through 32 and inserting:

"*(b) The contract complies with the provisions of this section.*".

Amend sec. 30, page 27, line 33, by deleting "*3.*" and inserting "*2.*".

Amend sec. 30, page 27, line 43, by deleting "*4.*" and inserting "*3.*".

Amend sec. 30, page 28, line 9, by deleting "*5.*" and inserting "*4.*".

Amend sec. 30, page 28, line 13, by deleting "*6.*" and inserting "*5.*".

Amend sec. 30, page 28, line 15, by deleting "*7.*" and inserting "*6.*".

Amend sec. 30, page 28, line 17, by deleting "*8.*" and inserting "*7.*".

Amend sec. 30, page 28, between lines 18 and 19, by inserting:

"*8. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:*

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.".

Amend the bill as a whole by adding a new section designated sec. 33.5, following sec. 33, to read as follows:

"Sec. 33.5. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. ~~[The]~~ *Except as otherwise provided in subsection 3, the* provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with any other applicable provision of this title.

3. The provisions of subsections 2 to 9, inclusive, of NRS 695G.270 and section 33 of this act do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Human Resources. This subsection does not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.".

Amend sec. 34, page 32, by deleting lines 19 through 24 and inserting:

"695G.270 ~~[A managed care organization that establishes a panel of providers of health care for the purpose of offering health care services pursuant to chapters 689A, 689B, 689C, 695A, 695B, or 695C of NRS shall not charge a provider of health care a fee to include the name of the provider on the panel of providers of health care.]~~".

Amend sec. 34, page 32, line 25, by deleting "*2.*" and inserting "*1.*".

Amend sec. 34, page 32, line 30, after "*care;*" by inserting "*and*".

Amend sec. 34, page 32, by deleting lines 31 through 34 and inserting:

"*(b) The contract complies with the provisions of this section.*".

Amend sec. 34, page 32, line 35, by deleting "*3.*" and inserting "*2.*".

Amend sec. 34, page 33, line 1, by deleting "*4.*" and inserting "*3.*".

Amend sec. 34, page 33, line 11, by deleting "*5.*" and inserting "*4.*".

Amend sec. 34, page 33, line 15, by deleting "*6.*" and inserting "*5.*".

Amend sec. 34, page 33, line 17, by deleting "*7.*" and inserting "*6.*".

Amend sec. 34, page 33, line 19, by deleting "*8.*" and inserting "*7.*".

Amend sec. 34, page 33, between lines 20 and 21, by inserting:

"*9. If a managed care organization contracts with a provider of health care to provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, the managed care organization shall:*

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments specified in paragraph (a) within 7 days after receiving the request.".

Amend the bill as a whole by adding a new section designated sec. 39.5, following sec. 39, to read as follows:

"Sec. 39.5. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a hospital in this state establishes a panel of providers of health care and makes the panel available for use by an insurer when offering health care services pursuant to chapter 616A to 617, inclusive, 689A, 689B, 689C, 695A, 695B or 695C of NRS, the hospital shall not charge the insurer or a provider of health care:

(a) A fee to include the name of the provider on the panel of providers of health care; or

(b) Any other fee related to establishing a provider of health care as a provider for the hospital.

2. If a hospital in this state violates the provisions of subsection 1, the hospital shall pay to the insurer or provider of health care, as appropriate, an amount that is equal to twice the fee charged to the insurer or provider of health care.

3. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

4. In addition to any relief granted pursuant to this section, if a hospital in this state violates the provisions of subsection 1, and if an insurer offering health care services pursuant to chapter 616A to 617, inclusive, 689A, 689B, 689C, 695A, 695B or 695C of NRS has a contract with or otherwise uses the services of the hospital, the Division of Insurance of the Department of Business and Industry shall require the insurer to suspend its performance under the contract or discontinue using those services until the hospital, as determined by the Division of Insurance of the Department of Business and Industry:

(a) Complies with the provisions of subsection 1; and

(b) Refunds to all providers of health care any fees obtained by the hospital in violation of subsection 1.".

Amend sec. 40, page 36, by deleting lines 6 and 7 and inserting: "*charge a provider of health care:*

(a) A fee to include the name of the provider on the panel of providers of health care; or

(b) Any other fee related to establishing a provider of health care as a provider for the insurer.".

Amend the title of the bill by deleting the seventh through nineteenth lines and inserting: "deemed to have acted in bad faith; prohibiting hospitals and certain organizations from charging a fee for including the name of a provider of health care on a panel of providers of health care under certain circumstances; prohibiting a contract with a provider of health care from including various provisions relating to amendments to the terms of the contract; requiring the development and use of a uniform form for obtaining information regarding the credentials of providers of health care for the purposes of contracts; requiring the submission of a schedule of payments to a provider of health care under certain circumstances;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 326.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 247.

Amend the bill as a whole by deleting sections 1 through 54 and the text of repealed sections and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive laser surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups, which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive laser surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. *The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The regulations must prohibit a residential facility for groups from claiming that it provides "assisted living services" unless:*

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Contain toilet facilities and a separate sleeping area or bedroom; and

(2) Are shared with another occupant only upon consent of both occupants.

(c) Despite a decline in the physical or mental condition of its residents, the facility allows its residents to continue to live in their own living units and retain the right to assume risks inherent in living in a separate living

unit to the extent of the resident's individual ability to consciously assume the responsibility for that risk.

(d) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed for and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

Sec. 2. NRS 449.230 is hereby amended to read as follows:

449.230 1. Any authorized member or employee of the Health Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.001 to 449.245, inclusive. For the purposes of this subsection, "building or

premises" does not include a mobile unit that is operated by a medical facility which is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the American Osteopathic Association.

2. The State Fire Marshal or his designee shall, upon receiving a request from the Health Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection ~~[7]~~ *8* of NRS 449.037:

(a) Enter and inspect a residential facility for groups; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection ~~[7]~~ *8* of NRS 449.037,

to ensure the safety of the residents of the facility in an emergency.

3. The State Health Officer or his designee shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Health Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Health Division is notified that a residential facility for groups is operating without a license.".

Amend the title of the bill to read as follows:

"AN ACT relating to residential facilities for groups; requiring the State Board of Health to adopt separate regulations for the licensure and regulation of residential facilities for groups which provide assisted living services; limiting the circumstances under which a residential facility for groups may claim to offer assisted living services; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires separate regulation of residential facilities for groups which claim to provide assisted living services. (BDR 40-954)".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 348.

Amend section 1, page 1, by deleting line 8 and inserting "*assessor.*".

Amend section 1, page 1, by deleting lines 10 and 11 and inserting: "*assessor shall notify the Nevada Tax Commission that he either approves or objects to the*".

Amend section 1, page 1, line 12, by deleting "*they represent.*" and inserting "*he represents.*".

Amend section 1, page 1, lines 13 and 14, by deleting: "*and boards of county commissioners*".

Amend section 1, page 2, lines 3 and 4, by deleting: "*or boards of county commissioners*".

Amend section 1, page 2, by deleting lines 9 and 10 and inserting: "*reconcile the objection or objections of each county assessor, including, without limitation,*".

Amend section 1, page 2, by deleting lines 18 and 19 and inserting: "*objection of one or more county assessors.*".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 445.

Amend section 1, pages 1 and 2, by deleting lines 3 through 9 on page 1 and lines 1 through 33 on page 2 and inserting:

"*1. A vehicle registered by any actual bona fide resident of the State of Nevada who is on active duty in the Armed Forces of the United States is exempt from the governmental services tax.*

2. Before allowing an exemption pursuant to the provisions of this section, the Department shall require such proof of the status of the applicant for the exemption as may be necessary to determine his qualifications for the exemption. After the Department determines that the applicant is entitled to the exemption, the Department shall annually grant the exemption for all vehicles registered by that person until the Department determines that the person is no longer entitled to the exemption.

3. If a person provides false proof to the Department and as a result of the false proof a tax exemption is allowed to a person not entitled to the exemption, he is guilty of a misdemeanor.

4. If a vehicle ceases to be exempt from taxation pursuant to this section after the beginning of a registration year, the amount of the tax otherwise due must be reduced by one-twelfth for each month that has elapsed since the beginning of that year.".

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "Armed Forces of the United States; authorizing such a person to waive his".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides exemption from governmental services tax for vehicles registered by resident of Nevada who is on active duty in Armed Forces of United States. (BDR 32-347)".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 244.

Amend sec. 6, page 5, by deleting line 45 and inserting:

"(4) One copy to *:*

(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners ~~[.]~~*; or*

(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.".

Amend sec. 6, page 6, line 5, after "Examiners" by inserting: "*or the State Board of Osteopathic Medicine, as applicable,*".

Amend sec. 6, page 6, by deleting lines 29 through 31 and inserting: "the applicant is not licensed to practice medicine *or osteopathic medicine* in this state or is not in good standing, as reported by the Board of Medical Examiners ~~[,]~~*or the State Board of Osteopathic Medicine, as applicable;*".

Amend the bill as a whole by renumbering sec. 11 as sec. 12 and adding a new section designated sec. 11, following sec. 10, to read as follows:

"Sec. 11. NRS 453A.500 is hereby amended to read as follows:

453A.500 The Board of Medical Examiners *or the State Board of Osteopathic Medicine, as applicable,* shall not take any disciplinary action against an attending physician on the basis that the attending physician:

1. Advised a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS ~~[.]~~*or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:*

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.

2. Provided the written documentation required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card, if:

(a) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and

(b) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.".

Amend the bill as a whole by renumbering sec. 12 as sec. 14 and adding a new section designated sec. 13, following sec. 11, to read as follows:

"Sec. 13. NRS 633.521 is hereby amended to read as follows:

633.521 An osteopathic physician is not subject to disciplinary action solely for ~~[prescribing]~~ *:*

1. Prescribing or administering to a patient under his care:

~~[1.]~~ *(a)* Amygdalin (laetrile), if the patient has consented to the use of the substance.

~~[2.]~~ *(b)* Procaine hydrochloride with preservatives and stabilizers (Gerovital H3).

~~[3.]~~ *(c)* A controlled substance which is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS 453.146, if the controlled substance is lawfully prescribed or administered for the treatment of intractable pain in accordance with accepted standards for the practice of osteopathic medicine.

2. Engaging in any activity in accordance with the provisions of chapter 453A of NRS.".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 516.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 486.

Amend the bill as a whole by deleting sections 1 through 10 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 365.196 is hereby amended to read as follows:

365.196 1. The receipts of the tax as levied in NRS 365.192 must be allocated monthly by the Department to the counties in proportion to the number of gallons of fuel that are sold to the retailers in each county pursuant to the information contained in the statements provided to the Department pursuant to NRS 365.192.

2. ~~[Each county]~~ *The Department* must apportion the receipts of that tax among the county, for unincorporated areas of the county, and each incorporated city in the county. The county and each city are respectively entitled to receive each month that proportion of those receipts which its total population bears to the total population of the county.

3. ~~[During the month immediately preceding each January 1 and July 1, the county treasurer of each county shall, when necessary and after a hearing, adopt a regulation which provides for the accurate apportionment of those receipts in the county during the ensuing 6 months.~~

~~4.]~~ The money apportioned to the county or a city must be used by it solely to repair or restore existing paved roads, streets and alleys, other than those maintained by the Federal Government and this state, by resurfacing, overlaying, resealing or other such customary methods.

Sec. 2. NRS 365.550 is hereby amended to read as follows:

365.550 1. ~~[The]~~ *Except as otherwise provided in subsection 2, the receipts of the tax levied pursuant to NRS 365.180 must* be allocated monthly by the Department to the counties using the following formula:

(a) Determine the average monthly amount each county received in the fiscal year ending on June 30, ~~[2001,]~~ *2003,* and allocate to each county that amount, or if the total amount to be allocated is less than that amount, allocate to each county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the fiscal year ending on June 30, ~~[2001;~~

~~(b) Determine for each county an amount from the total amount to be allocated using the following formula:~~

~~(1) Two-thirds in proportion to population; and~~

~~(2) One-third in proportion to road mileage and street mileage of improved roads or streets maintained by the county or an incorporated city located within the county,~~

~~and compare that amount to the amount allocated to the county pursuant to paragraph (a);~~

~~(c) Identify each county for which the amount determined pursuant to paragraph (b) is greater than the amount allocated to the county pursuant to paragraph (a); and~~

~~(d) Allocate to any county which is identified pursuant to paragraph (c), using the formula set forth in paragraph (b), any amount from the tax levied pursuant to NRS 365.180 that remains after the allocation required pursuant to paragraph (a).~~

~~2. Within 10 calendar days after June 1]~~ *2003;*

(b) If the total amount to be allocated is greater than the average monthly amount all counties received in the fiscal year ending on June 30, 2003, determine for each county an amount from the total amount to be allocated using the following formula:

(1) Multiply the county's percentage share of the total state population by 2;

(2) Add the percentage determined pursuant to subparagraph (1) to the county's percentage share of total mileage of improved roads or streets maintained by the county or an incorporated city located within the county;

(3) Divide the sum of the percentages determined pursuant to subparagraph (2) by 3; and

(4) Multiply the total amount to be allocated by the percentage determined pursuant to subparagraph (3);

(c) Identify each county for which the amount determined pursuant to paragraph (b) is greater than the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (a) from the amount determined pursuant to paragraph (b); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(d) Identify each county for which the amount determined pursuant to paragraph (b) is less than or equal to the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (b) from the amount determined pursuant to paragraph (a); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(e) Subtract the amount determined pursuant to subparagraph (2) of paragraph (d) from the amount determined pursuant to subparagraph (2) of paragraph (c);

(f) Divide the amount determined pursuant to subparagraph (1) of paragraph (c) for each county by the sum determined pursuant to subparagraph (2) of paragraph (c) for all counties to determine each county's percentage share of the sum determined pursuant to subparagraph (2) of paragraph (c); and

(g) In addition to the allocation made pursuant to paragraph (a), allocate to each county that is identified pursuant to paragraph (c) a percentage of the total amount determined pursuant to paragraph (e) that is equal to the percentage determined pursuant to paragraph (f).

2. At the end of each fiscal year, the Department shall:

(a) ~~[Project]~~ *Determine* the total amount ~~[that each county will be allocated]~~ *to be allocated to all counties* pursuant to subsection 1 for the current fiscal year ~~[.]~~ *; and*

(b) *Use the proceeds of the tax paid by a dealer, supplier or user for June of the current fiscal year to allocate to each county an amount determined pursuant to subsection 3.*

3. If the total amount *to be* allocated to all the counties ~~[will]~~ *determined pursuant to paragraph (a) of subsection 2:*

(a) Does not exceed the total amount that was received by all the counties for the fiscal year ending on June 30, ~~[2001,]~~ *2003, the Department shall* adjust the final monthly allocation to be made to each county so that each county is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the fiscal year ending on June 30, ~~[2001.~~

~~(c) If a county receives an allocation pursuant to paragraph (d) of subsection 1, determine whether the total monthly allocations projected to be~~

~~made to that county pursuant to subsection 1 for the current fiscal year exceed the total amount the county received in the fiscal year ending on June 30, 2001. If the total monthly allocations projected to be made to the county do not exceed the total amount the county received in the fiscal year ending on June 30, 2001, the Department shall adjust the final monthly allocation to be made to the county for the current fiscal year so that the total amount allocated to the county for the current fiscal year equals the total amount the county received in the fiscal year ending on June 30, 2001.~~

~~3.]~~ *2003.*

(b) Exceeds the total amount that was received by all counties for the fiscal year ending on June 30, 2003, the Department shall:

(1) Identify the total amount allocated to each county for the fiscal year ending on June 30, 2003, and the total amount for the current fiscal year determined pursuant to paragraph (a) of subsection 2;

(2) Apply the formula set forth in paragraph (b) of subsection 1 using the amounts in subparagraph (1), instead of the monthly amounts, to determine the total allocations to be made to the counties for the current fiscal year; and

(3) Adjust the final monthly allocation to be made to each county to ensure that the total allocations for the current fiscal year equal the amounts determined pursuant to subparagraph (2).

4. Of the money allocated to each county pursuant to the provisions of subsections 1 ~~[and 2:]~~ *, 2 and 3:*

(a) An amount equal to that part of the allocation which represents 1.25 cents of the tax per gallon must be used exclusively for the service and redemption of revenue bonds issued pursuant to chapter 373 of NRS, for the construction, maintenance and repair of county roads, and for the purchase of equipment for that construction, maintenance and repair, under the direction of the boards of county commissioners of the several counties, and must not be used to defray expenses of administration; and

(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated to the county, if there are no incorporated cities in the county, or to the county and any incorporated cities in the county, if there is at least one incorporated city in the county, pursuant to the following formula:

(1) One-fourth in proportion to total area.

(2) One-fourth in proportion to population.

(3) One-fourth in proportion to road mileage and street mileage of nonfederal aid primary roads.

(4) One-fourth in proportion to vehicle miles of travel on nonfederal aid primary roads.

For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

~~[4.]~~ *5.* The amount allocated to the counties and incorporated cities pursuant to subsections 1 ~~[, 2 and 3]~~ *to 4, inclusive,* must be remitted

monthly. The State Controller shall draw his warrants payable to the county treasurer of each of the several counties and the city treasurer of each of the several incorporated cities, as applicable, and the State Treasurer shall pay the warrants out of the proceeds of the tax levied pursuant to NRS 365.180.

~~[5.]~~ *6.* The formula computations must be made as of July 1 of each year by the Department, based on estimates which must be furnished by the Department of Transportation and, if applicable, any adjustments to the estimates determined to be appropriate by the Committee pursuant to subsection ~~[9.]~~ *10.* Except as otherwise provided in subsection ~~[9,]~~ *10,* the determination made by the Department is conclusive.

~~[6.]~~ *7.* The Department of Transportation shall complete:

(a) The estimates of the total mileage of improved roads or streets maintained by each county and incorporated city on or before August 31 of each year.

(b) A physical audit of the information submitted by each county and incorporated city pursuant to subsection ~~[7]~~ *8* at least once every 10 years.

~~[7.]~~ *8.* Each county and incorporated city shall, not later than March 1 of each year, submit a list to the Department of Transportation setting forth:

(a) Each improved road or street that is maintained by the county or city; and

(b) The beginning and ending points and the total mileage of each of those improved roads or streets. Each county and incorporated city shall, at least 10 days before the list is submitted to the Department of Transportation, hold a public hearing to identify and determine the improved roads and streets maintained by the county or city.

~~[8.]~~ *9.* If a county or incorporated city does not agree with the estimates prepared by the Department of Transportation pursuant to subsection ~~[6,]~~ *7,* the county or incorporated city may request that the Subcommittee examine the estimates and recommend an adjustment to the estimates. Such a request must be submitted to the Subcommittee not later than October 15.

~~[9.]~~ *10.* The Subcommittee shall review any request it receives pursuant to subsection ~~[8]~~ *9* and report to the Committee its findings and any recommendations for an adjustment to the estimates it determines is appropriate. The Committee shall hold a public hearing and determine whether an adjustment to the estimates is appropriate on or before December 31 of the year it receives a request pursuant to subsection ~~[8.]~~ *9.* Any determination made by the Committee pursuant to this subsection is conclusive.

~~[10.]~~ *11.* The Subcommittee shall monitor the fiscal impact of the formula set forth in this section on counties and incorporated cities and report regularly to the Committee concerning its findings and recommendations regarding that fiscal impact.

~~[11.]~~ *12.* As used in this section:

(a) "Committee" means the Legislative Committee for Local Government Taxes and Finance established pursuant to NRS 218.53881.

(b) "Construction, maintenance and repair" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a county or city road and is necessary for the safe and efficient use of that road, including, without limitation:

(1) Grades and regrades;

(2) Graveling, oiling, surfacing, macadamizing and paving;

(3) Sweeping, cleaning and sanding roads and removing snow from a road;

(4) Crosswalks and sidewalks;

(5) Culverts, catch basins, drains, sewers and manholes;

(6) Inlets and outlets;

(7) Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;

(8) Artificial lights and lighting equipment, parkways, control of vegetation and sprinkling facilities;

(9) Rights-of-way;

(10) Grade and traffic separators;

(11) Fences, cattle guards and other devices to control access to a county or city road;

(12) Signs and devices for the control of traffic; and

(13) Facilities for personnel and the storage of equipment used to construct, maintain or repair a county or city road.

(c) "Improved road or street" means a road or street that is, at least:

(1) Aligned and graded to allow reasonably convenient use by a motor vehicle; and

(2) Drained sufficiently by a longitudinal and transverse drainage system to prevent serious impairment of the road or street by surface water.

(d) "Subcommittee" means the Subcommittee appointed pursuant to NRS 218.53884.

(e) "Total mileage of an improved road or street" means the total mileage of the length of an improved road or street, without regard to the width of that road or street or the number of lanes it has for vehicular traffic.

Sec. 3. NRS 365.550 is hereby amended to read as follows:

365.550 1. ~~[The]~~ *Except as otherwise provided in subsection 2, the* receipts of the tax levied pursuant to NRS 365.180 must be allocated monthly by the Department to the counties using the following formula:

(a) Determine the average monthly amount each county received in the fiscal year ending on June 30, ~~[2001,]~~ *2003,* and allocate to each county that amount, or if the total amount to be allocated is less than that amount, allocate to each county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the fiscal year ending on June 30, ~~[2001;~~

~~(b) Determine for each county an amount from the total amount to be allocated using the following formula:~~

~~(1) Two-thirds in proportion to population; and~~

~~(2) One-third in proportion to road mileage and street mileage of improved roads or streets maintained by the county or an incorporated city located within the county,~~

~~and compare that amount to the amount allocated to the county pursuant to paragraph (a);~~

~~(c) Identify each county for which the amount determined pursuant to paragraph (b) is greater than the amount allocated to the county pursuant to paragraph (a); and~~

~~(d) Allocate to any county which is identified pursuant to paragraph (c), using the formula set forth in paragraph (b), any amount from the tax levied pursuant to NRS 365.180 that remains after the allocation required pursuant to paragraph (a).~~

~~2. Within 10 calendar days after June 1~~] *2003;*

(b) If the total amount to be allocated is greater than the average monthly amount all counties received in the fiscal year ending on June 30, 2003, determine for each county an amount from the total amount to be allocated using the following formula:

(1) Multiply the county's percentage share of the total state population by 2;

(2) Add the percentage determined pursuant to subparagraph (1) to the county's percentage share of total mileage of improved roads or streets maintained by the county or an incorporated city located within the county;

(3) Divide the sum of the percentages determined pursuant to subparagraph (2) by 3; and

(4) Multiply the total amount to be allocated by the percentage determined pursuant to subparagraph (3);

(c) Identify each county for which the amount determined pursuant to paragraph (b) is greater than the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (a) from the amount determined pursuant to paragraph (b); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(d) Identify each county for which the amount determined pursuant to paragraph (b) is less than or equal to the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (b) from the amount determined pursuant to paragraph (a); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(e) Subtract the amount determined pursuant to subparagraph (2) of paragraph (d) from the amount determined pursuant to subparagraph (2) of paragraph (c);

(f) Divide the amount determined pursuant to subparagraph (1) of paragraph (c) for each county by the sum determined pursuant to subparagraph (2) of paragraph (c) for all counties to determine each county's percentage share of the sum determined pursuant to subparagraph (2) of paragraph (c); and

(g) In addition to the allocation made pursuant to paragraph (a), allocate to each county that is identified pursuant to paragraph (c) a percentage of the total amount determined pursuant to paragraph (e) that is equal to the percentage determined pursuant to paragraph (f).

2. At the end of each fiscal year, the Department shall:

(a) ~~[Project]~~ *Determine* the total amount ~~[that each county will be allocated]~~ *to be allocated to all counties* pursuant to subsection 1 for the current fiscal year ~~[.]~~ *; and*

(b) *Use the proceeds of the tax paid by a dealer, supplier or user for June of the current fiscal year to allocate to each county an amount determined pursuant to subsection 3.*

3. If the total amount *to be* allocated to all the counties ~~[will]~~ *determined pursuant to paragraph (a) of subsection 2:*

(a) Does not exceed the total amount that was received by all the counties for the fiscal year ending on June 30, ~~[2001,]~~ *2003, the Department shall* adjust the final monthly allocation to be made to each county so that each county is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the fiscal year ending on June 30, ~~[2001.~~

~~(c) If a county receives an allocation pursuant to paragraph (d) of subsection 1, determine whether the total monthly allocations projected to be made to that county pursuant to subsection 1 for the current fiscal year exceed the total amount the county received in the fiscal year ending on June 30, 2001. If the total monthly allocations projected to be made to the county do not exceed the total amount the county received in the fiscal year ending on June 30, 2001, the Department shall adjust the final monthly allocation to be made to the county for the current fiscal year so that the total amount allocated to the county for the current fiscal year equals the total amount the county received in the fiscal year ending on June 30, 2001.~~

~~3.]~~ *2003.*

(b) Exceeds the total amount that was received by all counties for the fiscal year ending on June 30, 2003, the Department shall:

(1) Identify the total amount allocated to each county for the fiscal year ending on June 30, 2003, and the total amount for the current fiscal year determined pursuant to paragraph (a) of subsection 2;

(2) Apply the formula set forth in paragraph (b) of subsection 1 using the amounts in subparagraph (1), instead of the monthly amounts, to determine the total allocations to be made to the counties for the current fiscal year; and

(3) Adjust the final monthly allocation to be made to each county to ensure that the total allocations for the current fiscal year equal the amounts determined pursuant to subparagraph (2).

4. Of the money allocated to each county pursuant to the provisions of subsections 1 [~~and 2:~~] *, 2 and 3:*

(a) An amount equal to that part of the allocation which represents 1.25 cents of the tax per gallon must be used exclusively for the service and redemption of revenue bonds issued pursuant to chapter 373 of NRS, for the construction, maintenance and repair of county roads, and for the purchase of equipment for that construction, maintenance and repair, under the direction of the boards of county commissioners of the several counties, and must not be used to defray expenses of administration; and

(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated to the county, if there are no incorporated cities in the county, or to the county and any incorporated cities in the county, if there is at least one incorporated city in the county, pursuant to the following formula:

(1) One-fourth in proportion to total area.

(2) One-fourth in proportion to population.

(3) One-fourth in proportion to road mileage and street mileage of nonfederal aid primary roads.

(4) One-fourth in proportion to vehicle miles of travel on nonfederal aid primary roads.

For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

[~~4.~~] *5.* The amount allocated to the counties and incorporated cities pursuant to subsections 1 [~~, 2 and 3~~] *to 4, inclusive,* must be remitted monthly. The State Controller shall draw his warrants payable to the county treasurer of each of the several counties and the city treasurer of each of the several incorporated cities, as applicable, and the State Treasurer shall pay the warrants out of the proceeds of the tax levied pursuant to NRS 365.180.

[~~5.~~] *6.* The formula computations must be made as of July 1 of each year by the Department, based on estimates which must be furnished by the Department of Transportation and, if applicable, any adjustments to the estimates determined to be appropriate by the Committee pursuant to subsection [~~9.~~] *10.* Except as otherwise provided in subsection [~~9,~~] *10,* the determination made by the Department is conclusive.

[~~6.~~] *7.* The Department of Transportation shall complete:

(a) The estimates of the total mileage of improved roads or streets maintained by each county and incorporated city on or before August 31 of each year.

(b) A physical audit of the information submitted by each county and incorporated city pursuant to subsection [~~7~~] *8* at least once every 10 years.

[~~7.~~] *8.* Each county and incorporated city shall, not later than March 1 of each year, submit a list to the Department of Transportation setting forth:

(a) Each improved road or street that is maintained by the county or city; and

(b) The beginning and ending points and the total mileage of each of those improved roads or streets.

Each county and incorporated city shall, at least 10 days before the list is submitted to the Department of Transportation, hold a public hearing to identify and determine the improved roads and streets maintained by the county or city.

~~[8.]~~ *9.* If a county or incorporated city does not agree with the estimates prepared by the Department of Transportation pursuant to subsection ~~[6,]~~ *7,* the county or incorporated city may request that the Committee examine the estimates and recommend an adjustment to the estimates. Such a request must be submitted to the Committee not later than October 15.

~~[9.]~~ *10.* The Committee shall hold a public hearing and review any request it receives pursuant to subsection ~~[8]~~ *9* and determine whether an adjustment to the estimates is appropriate on or before December 31 of the year it receives a request pursuant to subsection ~~[8.]~~ *9.* Any determination made by the Committee pursuant to this subsection is conclusive.

~~[10.]~~ *11.* The Committee shall monitor the fiscal impact of the formula set forth in this section on counties and incorporated cities. Biennially, the Committee shall prepare a report concerning its findings and recommendations regarding that fiscal impact and submit the report on or before February 15 of each odd-numbered year to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Committees on Taxation of the Nevada Legislature for their review.

~~[11.]~~ *12.* As used in this section:

(a) "Committee" means the Committee on Local Government Finance created pursuant to NRS 354.105.

(b) "Construction, maintenance and repair" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a county or city road and is necessary for the safe and efficient use of that road, including, without limitation:

(1) Grades and regrades;

(2) Graveling, oiling, surfacing, macadamizing and paving;

(3) Sweeping, cleaning and sanding roads and removing snow from a road;

(4) Crosswalks and sidewalks;

(5) Culverts, catch basins, drains, sewers and manholes;

(6) Inlets and outlets;

(7) Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;

(8) Artificial lights and lighting equipment, parkways, control of vegetation and sprinkling facilities;

(9) Rights-of-way;

(10) Grade and traffic separators;

(11) Fences, cattle guards and other devices to control access to a county or city road;

(12) Signs and devices for the control of traffic; and

(13) Facilities for personnel and the storage of equipment used to construct, maintain or repair a county or city road.

(c) "Improved road or street" means a road or street that is, at least:

(1) Aligned and graded to allow reasonably convenient use by a motor vehicle; and

(2) Drained sufficiently by a longitudinal and transverse drainage system to prevent serious impairment of the road or street by surface water.

(d) "Total mileage of an improved road or street" means the total mileage of the length of an improved road or street, without regard to the width of that road or street or the number of lanes it has for vehicular traffic.

Sec. 4. 1. This section and section 2 of this act become effective on July 1, 2003.

2. Section 1 of this act becomes effective on October 1, 2003.

3. Section 2 of this act expires by limitation on June 30, 2005.

4. Section 3 of this act becomes effective on July 1, 2005.".

Amend the title of the bill by deleting the first through third lines and inserting: "AN ACT relating to taxation;".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 473.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 7 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, ~~[a Deputy Director,]~~ *two Deputy Directors,* a Chief Engineer and the following divisions:

(a) Administrative Division.

(b) Operations Division.

(c) Engineering Division.

(d) Planning Division.

2. The head of a division is an assistant director. Assistant directors are in the classified service of the State.

Sec. 2. NRS 408.116 is hereby amended to read as follows:

408.116 1. All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chairman of the Board or, in the absence of the Director and the Chairman of the Board, the process must be served personally upon both the Secretary of State and *one of* the Deputy ~~[Director.]~~ *Directors.*

2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.

3. This section is not a consent on the part of the Department to be sued.

Sec. 3. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) *Appoint one Deputy Director for southern Nevada whose principle office must be located in an urban area in southern Nevada.*

(c) Employ such engineers, engineering and technical assistants, clerks and other personnel as in his judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy ~~[Director]~~ *Directors* shall devote ~~[his]~~ *their* entire time and attention to the business of *the* office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his duties.

Sec. 4. NRS 408.178 is hereby amended to read as follows:

408.178 1. ~~[The]~~ *Each* Deputy Director:

(a) Is in the unclassified service of the State.

(b) Must hold a master's degree in public or business administration, hold the degree of bachelor of science in civil, structural, mechanical or industrial engineering, or be a licensed professional engineer.

(c) Must have at least 2 years of administrative experience as the assistant director, the chief engineer or the head of an Engineering or Planning Division of the Department, or have equivalent experience.

2. The Chief Engineer:

(a) Is in the classified service of the State.

(b) Must be a licensed professional engineer.

(c) Except as otherwise provided in subsection 3, must have at least 3 years of experience as the final engineering authority for a state's agency which has duties similar to those of the Department.

3. If the Director or *the* Deputy Director *appointed pursuant to paragraph (a) of subsection 1 of NRS 408.175,* is a licensed professional engineer, he may also act as the Department's Chief Engineer.

Sec. 5. NRS 408.180 is hereby amended to read as follows:

408.180 The Director and Deputy ~~[Director]~~ *Directors* shall each take the official oath.

Sec. 6. NRS 408.185 is hereby amended to read as follows:

408.185 1. The Director and Deputy ~~[Director]~~ *Directors* may use a facsimile signature produced through a mechanical device in place of their handwritten signatures whenever the necessity may arise.

2. Such a device must be of such a nature that the facsimile signature plate may be inserted and removed from the mechanical device only by use of two locking keys.

3. Such facsimile signatures must be made and used only under the personal direction and supervision of the Director ~~[and Deputy Director, respectively.]~~ *or Deputy Director whose signature the facsimile represents.*

4. All of the facsimile signature plates and locking keys must at all times be kept in a vault, securely locked when not in use, to the end that any misuse, fraudulent use or other improper use is prevented.

5. Notwithstanding the provisions of this section, the Director or *a* Deputy Director and the State Treasurer may combine their facsimile signatures as provided in NRS 226.080.".

Amend sec. 2, page 3, line 41, by deleting "(d)" and inserting "~~[(d)]~~ *(c)*".

Amend sec. 2, page 3, by deleting lines 42 through 44, and inserting: "subsection ~~[5]~~ *6* of NRS 408.3886, which must not become matters of public record.".

Amend the bill as a whole by deleting sections 3 and 4, and renumbering sections 5 and 6 as sections 8 and 9.

Amend sec. 5, page 4, by deleting lines 42 and 43, and inserting:

"(a) The extent to which designs must be completed for both preliminary and final".

Amend sec. 5, page 5, lines 23 and 24, by deleting: "*or section 1 of this act*".

Amend sec. 5, page 5, by deleting line 25, and inserting: "proposal *or best and final offer, or both,* and, if so, an estimate of the".

Amend sec. 6, page 6, by deleting lines 14 through 22, and inserting:

"*(c) Request best and final offers from all finalists in accordance with subsection 5.*

5. *If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be*

submitted to the Department. After receiving the best and final offers, the Department shall:

(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or

(b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 ~~[.]~~ *or selects a best and final offer pursuant to paragraph (a) of subsection 5,* the Department shall hold a public meeting to:

(a) Review and ratify the selection.

(b) ~~[Award the design-build contract to the design-build team whose proposal is selected.~~

~~(c)]~~ Partially reimburse the unsuccessful finalists if partial".

Amend sec. 6, page 6, line 28, by deleting "(d)" and inserting "~~[(d)]~~ *(c)*".

Amend sec. 6, page 6, line 31, by deleting "proposals." and inserting: "proposals ~~[.]~~ *and, if applicable, best and final offers*.".

Amend the title of the bill to read as follows:

"AN ACT relating to the Department of Transportation; providing for an additional Deputy Director for the Department; authorizing the Department, in carrying out the process for awarding design-build contracts, to request best and final proposals under certain circumstances; establishing procedures for requesting and evaluating best and final proposals; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Assembly Bill No. 398 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Manendo.

Motion carried.

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

Assembly in recess at 11:08 a.m.

ASSEMBLY IN SESSION

At 12:39 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 157, 168, 185, 220, 296, 316, 343, 369, 393, 401, 431, 432, 490, 495, 498, 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 275, 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Bills Nos. 125, 344, 375, 541, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 214, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 355, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 537, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 223, 239, 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 91, 223, 239, 264, 367, 484, 512, 522, 157, 168, 185, 220, 296, 316, 343, 369, 393, 401, 431, 432, 490, 495, 498, 502, 68, 125, 214, 275, 304, 344, 355, 375, 390, 405, 415, 427, 452, 499, 537, and 541 be placed on the Second Reading File.

Motion carried.

NOTICE OF EXEMPTION

April 21, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 29, 311 and 457.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Anderson moved that Assembly Bill No. 29 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 443.

Amend sec. 6, page 2, by deleting lines 41 through 44 and inserting: "the account must be used ~~[only]~~ for the disposal of pesticides ~~[.]~~ *and to monitor pesticides*".

Amend the title of the bill by deleting the second through fifth lines and inserting: "brands of pesticides; expanding the authorized uses of the fees currently deposited in an account for the disposal of pesticides to include the monitoring of ground water and surface water from contamination by pesticides; and providing other matters properly".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 460.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"*1. Each vehicle dealer who advertises that the Spanish language is spoken at his place of business or who conducts business by communicating in Spanish with a purchaser or prospective purchaser regarding the potential purchase of a motor vehicle shall:*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 477.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department may produce and issue vintage license plates to residents of Nevada for any motor vehicle manufactured not later than 1942.

2. Vintage license plates issued pursuant to this section must be produced by the Department:

(a) Using only digital technology for the production of the plates; and

(b) To appear, insofar as is practicable, the same as the license plates that were issued in Nevada during the year of manufacture of the particular motor vehicle to which the vintage license plates will be affixed.

3. The fee for vintage license plates issued pursuant to this section is $35, in addition to all other applicable registration and license fees and governmental services taxes. The vintage license plates are renewable upon the payment of $10.

4. If, during a registration year, the holder of vintage license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications he receives to the Department within the period prescribed by the Department;

(b) Transmit the fees he collects from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3825, inclusive ~~[,]~~ *, and section 1 of this act;* or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, *and section 1 of this act,* a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in NRS 482.37937 and 482.37945, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.".

Amend the title of the bill to read as follows:

"AN ACT relating to motor vehicles; authorizing the Department of Motor Vehicles to produce and issue vintage license plates for motor vehicles manufactured before or during the year 1942; providing that such vintage license plates must be produced by the Department using digital technology; imposing a fee for the issuance and renewal of such vintage license plates; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes Department of Motor Vehicles to produce and issue vintage license plates for certain motor vehicles. (BDR 43-126)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 264.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 450.

Amend the bill as a whole by deleting sections 1 through 11 and adding:

"Secs. 1-11. (Deleted by amendment.)".

Amend sec. 12, page 10, line 28, by deleting "*185*" and inserting "*182*".

Amend sec. 13, page 12, line 13, by deleting "~~[185]~~ *190*" and inserting "185".

Amend the bill as a whole by deleting sections 14 through 17 and adding:

"Secs. 14-17. (Deleted by amendment.)".

Amend sec. 18, page 16, line 27, by deleting "*185*" and inserting "*182*".

Amend sec. 18, page 16, line 36, by deleting "*185*" and inserting "*182*".

Amend sec. 19, page 17, line 23, by deleting "~~[185]~~ *190*" and inserting "185".

Amend sec. 19, page 17, line 32, by deleting "~~[185]~~ *190*" and inserting "185".

Amend the bill as a whole by deleting sections 20 through 40 and adding:

"Secs. 20-40. (Deleted by amendment.)".

Amend sec. 41, page 37, line 29, by deleting: "~~[one fifth]~~ *one-fourth*" and inserting "one-fifth".

Amend sec. 41, page 37, by deleting lines 32 through 37 and inserting: "Retirement System *;* ~~[and has at least 5 years of service;]~~

(b) The teacher has been employed as a licensed teacher ~~[in this state]~~ for at least 5 ~~[consecutive]~~ school years *;* ~~[, regardless of whether the employment was with one or more school districts in this state;]~~

(c) Each evaluation of the teacher ~~[conducted pursuant to NRS 391.3125]~~ is at least satisfactory for the years of employment".

Amend sec. 41, page 38, line 1, by deleting: "~~[one fifth]~~ *one-half*" and inserting "one-fifth".

Amend sec. 41, page 38, by deleting lines 4 through 10 and inserting: "*Retirement System;*

(b) The teacher has been employed as a licensed teacher for at least 5 school years;

(c) Each evaluation of the teacher is at least satisfactory for the years of employment".

Amend sec. 41, page 38, line 20, by deleting "One-fourth" and inserting "One-fifth".

Amend sec. 41, page 38, line 24, by deleting "One-half" and inserting "One-fifth".

Amend sec. 41, page 38, line 30, by deleting "One-half" and inserting "One-fifth".

Amend the bill as a whole by deleting sections 42 through 67 and adding:

"Secs. 42-67. (Deleted by amendment.)".

Amend sec. 68, page 60, line 10, after "district" by inserting: "in accordance with subsection 3".

Amend sec. 68, page 60, line 28, after "program." by inserting:

"(d) School-based or group-based incentives that award improvements in various measures of performance that are established at the school level.".

Amend sec. 68, page 60, line 29, after "3." by inserting:

"If a school district has entered into a collective bargaining agreement pursuant to chapter 288 of NRS that governs the employment of the licensed teachers employed by the school district, the school district shall negotiate with the bargaining agent for the licensed employees of the school district regarding the components of the proposed program of enhanced compensation.

4.".

Amend sec. 68, page 60, line 38, by deleting "4." and inserting "5.".

Amend the bill as a whole by deleting sec. 69 and adding:

"Sec. 69. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 71 and 72 and adding:

"Secs. 71 and 72. (Deleted by amendment.)".

Amend sec. 74, page 62, by deleting lines 39 through 45 and inserting:

"Sec. 74. 1. Sections 12, 18, 41, 68, 70 and 73 of this act become effective on July 1, 2003.".

Amend sec. 74, page 63, line 1, by deleting "4." and inserting "2.".

Amend the title of the bill to read as follows:

"AN ACT relating to education; providing for an incremental increase in the number of days of school during a school year; revising provisions governing the purchase of retirement credit by boards of trustees of school districts for certain teachers; making an appropriation for school districts to provide programs of enhanced compensation; requiring boards of trustees of school districts to pay a minimum starting salary for teachers and prohibiting the payment of signing bonuses; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 367.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 474.

Amend section 1, page 1, line 13, by deleting: "*Front clip assembly.*" and inserting: "*Complete front inner structure for a unibody.*".

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend sec. 3, page 3, by deleting lines 9 through 23 and inserting: "body shop in this state in preference to another such business, except in accordance with the regulations adopted pursuant to paragraph (c) of subsection 7 of NRS 487.002.".

Amend sec. 3, page 3, line 24, by deleting "*4.*" and inserting "~~[2.]~~ *3.*".

Amend sec. 3, page 3, line 27, by deleting "*5.*" and inserting "*4.*".

Amend the title of the bill by deleting the fifth line.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 484.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 525.

Amend section 1, pages 1 and 2, by deleting lines 7 through 10 on page 1 and lines 1 through 10 on page 2, and inserting: "*nonpermanent vehicle wash vendor.*

2. The board of county commissioners of such a county shall adopt an ordinance setting forth the type of system that must be used by mobile vehicle wash vendors and nonpermanent vehicle wash vendors for the continuous recovery of wastewater during the process of washing vehicles.

3. A violation of an ordinance adopted pursuant to this".

Amend section 1, page 2, line 12, by deleting "*3.*" and inserting "*4.*".

Amend section 1, page 2, by deleting lines 28 and 29.

Amend section 1, page 2, line 30, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 3, pages 4 and 5, by deleting lines 38 through 44 on page 4 and lines 1 through 7 on page 5, and inserting: "*nonpermanent vehicle wash vendor.*

2. The governing body of such a city shall adopt an ordinance setting forth the type of system that must be used by mobile vehicle wash vendors and nonpermanent vehicle wash vendors for the continuous recovery of wastewater during the process of washing vehicles.

3. A violation of an ordinance adopted pursuant to this".

Amend sec. 3, page 5, line 9, by deleting "*3.*" and inserting "*4.*".

Amend sec. 3, page 5, by deleting lines 25 and 26.

Amend sec. 3, page 5, line 27, by deleting "*(d)*" and inserting "*(c)*".

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "wash vendors; requiring the governing body to adopt an ordinance regarding the system for continuous wastewater recovery that must be used by such licensees; providing a penalty; and".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires governing body of certain cities and counties to adopt ordinances regarding licensure of mobile and nonpermanent vehicle wash vendors and ordinance regarding recovery of wastewater by such licensees. (BDR 20-1303)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 512.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 385.

Amend sec. 6, page 3, by deleting lines 21 and 22 and inserting:

"*2. In addition to the requirements of subsection 1, if the board of trustees of a school district is considering whether to enter into a privatization agreement and the agreement requires an annual expenditure by the school district of:*

(a) One million dollars or more; or

(b) An amount equal to 5 percent or more of the district's total budgeted expenditures for the current fiscal year,

whichever is less, the board of trustees shall provide written notice to the Director of the Legislative Counsel Bureau for transmittal to the Legislature if the Legislature is in regular session or to the Legislative Committee on Education if the Legislature is not in regular session.

3. Publication or delivery of the notice required by subsection 1 and delivery of the notice required by subsection 2 must be completed not less than 90 days before any action is".

Amend sec. 6, page 3, line 43, by deleting "*3.*" and inserting "*4.*".

Amend sec. 6, page 4, line 3, by deleting "*4.*" and inserting "*5.*".

Amend sec. 8, page 4, by deleting lines 12 and 13 and inserting: "*board of trustees of a school district must hold at least two public meetings during two regularly scheduled meetings of the board of trustees to receive*".

Amend the bill as a whole by deleting sec. 9 and adding:

"Sec. 9. (Deleted by amendment.)".

Amend sec. 13, page 6, line 23, after "*a*" by inserting "*measurable*".

Amend sec. 13, page 6, by deleting line 26 and inserting: "*trustees if there is evidence*".

Amend the bill as a whole by deleting sections 21 through 23 and adding:

"Secs. 21-23. (Deleted by amendment.)".

Amend sec. 24, page 11, line 3, by deleting "1.".

Amend sec. 24, page 11, by deleting lines 6 through 15.

Amend the bill as a whole by deleting sec. 25 and adding:

"Sec. 25. (Deleted by amendment.)".

Amend the title of the bill to read as follows:

"AN ACT relating to education; prescribing requirements for privatization agreements between school districts and contractors for the performance of certain services; prohibiting a school district from entering into such agreements under certain circumstances; specifying the procedure to be followed in entering into such agreements; establishing substantive requirements for the agreements; providing for the automatic termination of agreements under certain circumstances; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 522.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 472.

Amend section 1, page 1, by deleting lines 6 through 9 and inserting:

"(a) ~~[Physical or mechanical]~~ *Except as otherwise provided in paragraphs (d) and (e), physical* damage to the car, up to and including its fair market value, resulting from a ~~[collision, regardless of the cause of the damage.]~~ *deliberate or negligent act or omission on the part of the lessee.*

(b) *Mechanical damage to the car, up to and including its fair market value, resulting from:*

(1) A collision;

(2) An impact; or

(3) Any other type of incident,

that is caused by a deliberate or negligent act or omission on the part of the lessee.

(c) Loss resulting from theft of the car, up to and including its".

Amend section 1, page 2, line 4, by deleting "(c)" and inserting "~~[(c)]~~ *(d)"*.

Amend section 1, page 2, line 8, by deleting "(b)." and inserting "~~[(b).]~~ *(c).".*

Amend section 1, page 2, line 9, by deleting "(d)" and inserting "~~[(d)]~~ *(e)"*.

Amend section 1, page 2, by deleting lines 11 and 12 and inserting:

*"*not caused by the ~~[short-term lessee.~~

~~(e)]~~ *lessee.*

(f) Loss of use of the car if the lessee is liable for damage or".

Amend section 1, page 2, line 14, by deleting "(f)" and inserting "~~[(f)]~~ *(g)"*.

Amend section 1, page 2, line 16, by deleting "(g)" and inserting "~~[(g)]~~ *(h)"*.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 482.3154 is hereby amended to read as follows:

482.3154 1. The total amount of the short-term lessee's liability to the short-term lessor resulting from damage to a leased passenger car must not exceed the sum of the following:

(a) The estimated cost for parts that the short-term lessor would have to pay to replace damaged parts. Any discount, price reduction or adjustment received by the lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the short-term lessee.

(b) The estimated cost of labor to replace damaged parts of the passenger car, which must not exceed the product of:

(1) The rate of labor usually paid by the lessor to replace parts of the type that were damaged; and

(2) The estimated time for replacement.

Any discount, price reduction or adjustment received by the short-term lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the lessee.

(c) The estimated cost of labor to repair damaged parts of the passenger car, which must not exceed the lesser of:

(1) The product of the rate for labor usually paid by the short-term lessor to repair parts of the type that were damaged and the estimated time for repair; or

(2) The sum of the costs for estimated labor and parts determined pursuant to paragraphs (a) and (b) to replace the same parts.

Any discount, price reduction or adjustment received by the short-term lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the lessee.

(d) Except as otherwise provided in subsection 2, the loss of use of the leased passenger car, which must not exceed the product of:

(1) The rate for the car stated in the short-term lessee's lease, excluding all optional charges; and

(2) The total of the estimated time for replacement and the estimated time for repair. For the purpose of converting the estimated time for repair into the same unit of time in which the rate of the lease is expressed, a day shall be deemed to consist of 8 hours.

(e) Actual charges for towing and storage and impound fees paid by the short-term lessor.

2. Under any of the circumstances described in NRS 482.31555, the short-term lessor's loss of use of the passenger car must not exceed the product of:

(a) The rate for the car stated in the short-term lessee's lease, excluding all optional charges; and

(b) The period from the date of an accident to the date the car is ready to be returned to service if the lessor uses his best efforts to repair and return the car to service as soon as practicable.

3. An administrative charge pursuant to paragraph ~~[(g)]~~ *(h)* of subsection 1 of NRS 482.31535 must not exceed:

(a) Fifty dollars if the total estimated cost for parts and labor is more than $100 and less than or equal to $500.

(b) One hundred dollars if the total estimated cost for parts and labor is more than $500 and less than or equal to $1,500.

(c) One hundred and fifty dollars if the total estimated cost for parts and labor is more than $1,500.

No administrative charge may be imposed if the total estimated cost of parts and labor is $100 or less.".

Amend sec. 2, pages 2 and 3, by deleting lines 38 through 44 on page 2 and lines 1 through 11 on page 3, and inserting:

"(e) Operated *in a foreign country or* outside of the ~~[United States.]~~ *States of Nevada, Arizona, California, Idaho, Oregon and Utah, unless the lease expressly provides that the passenger car may be operated in other locations.*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywomen Chowning and Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 157.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 136.

Amend sec. 6, page 2, by deleting lines 16 through 21 and inserting: "principal contractor, if ~~[the]~~ *:*

(1) The estimated total cost of the construction project is equal to or greater than the threshold amount established by the Commissioner pursuant to subsection 3; *or*

(2) Pursuant to NRS 616B.717, the consolidated insurance program may cover more than one construction project and the combined total of the estimated total costs of all of the construction projects covered by the consolidated insurance program is equal to or greater than the threshold amount established by the Commissioner pursuant to subsection 3.".

Amend sec. 7, page 3, line 25, by deleting "project." and inserting: "project ~~[.]~~ *unless:*

1. Each construction project covered by the consolidated insurance program:

(a) Is owned by the same private company, public entity or utility;

(b) Has reasonably contiguous construction sites;

(c) Has construction sites that are reasonably contiguous to the construction sites of the other construction projects covered by the consolidated insurance program; and

(d) Complies with the provisions set forth in NRS 616B.725 and 616B.727 relating to safety and the administration of claims for industrial insurance at each site of the construction project; and

2. All construction projects covered by the consolidated insurance program will be commenced and completed within the same 3-year period.".

Amend sec. 8, page 3, by deleting lines 42 through 44 and inserting:

"(1) Delineates clearly the area within which coverage is".

Amend sec. 8, page 4, line 1, by deleting "~~[(2)]~~ *(3)*" and inserting "(2)".

Amend the bill as a whole by renumbering sec. 9 as sec. 14 and adding new sections designated sections 9 through 13, following sec. 8, to read as follows:

"Sec. 9. NRS 616B.720 is hereby amended to read as follows:

616B.720 A contract for the provision of industrial insurance that is authorized pursuant to NRS 616B.712 must include, without limitation:

1. Provisions that require compliance with each of the requirements relating to safety and the administration of claims for industrial insurance at ~~[the]~~ *each* site of the construction project that are set forth in NRS 616B.725 and 616B.727;

2. The names and qualifications of the persons appointed to oversee issues of safety and the administration of claims for industrial insurance at ~~[the]~~ *each* site of the construction project pursuant to NRS 616B.725 and 616B.727;

3. The terms and conditions pursuant to which the contract provides industrial insurance coverage. The terms and conditions must include, without limitation:

(a) A definition of ~~[the]~~ *each* site of the construction project that:

(1) Delineates clearly the area within which coverage is provided; and

(2) Is reasonably contiguous to the actual physical site of the construction project ~~[,]~~ *to which the definition applies;* and

(b) A description of the scope and details of the construction project and the duration of industrial insurance coverage that is provided for the project;

4. A list in which the owner, principal contractor, construction manager, contractors and subcontractors of the construction project are set forth as named insureds; and

5. A provision setting forth the penalties to which the owner, principal contractor, construction manager, contractors and subcontractors of the construction project may be subject if such persons or entities fail to comply with the provisions relating to safety and the administration of claims for industrial insurance that are required pursuant to NRS 616B.725 and 616B.727.

Sec. 10. NRS 616B.725 is hereby amended to read as follows:

616B.725 1. A consolidated insurance program that a private company, public entity or utility is authorized to establish and administer pursuant to NRS 616B.710 must, in the manner set forth in this section, provide for the safety of an employee of a contractor or subcontractor who is engaged in the construction project when such an employee works at ~~[the]~~ *a* site of the construction project.

2. The owner or principal contractor of the construction project shall develop and carry out a safety program that includes, without limitation:

(a) The establishment of minimum standards of safety to be observed during construction of the project;

(b) The holding of regular meetings to address and discuss issues related to safety;

(c) Training of contractors and subcontractors regarding issues and procedures related to safety;

(d) Regular inspections of ~~[the]~~ *each* site of the construction project to identify potential safety hazards and ensure that minimum standards of safety are being observed;

(e) The notification of contractors and subcontractors of special hazards that exist at ~~[the]~~ *each* site of the construction project, including advice on ways in which the contractors and subcontractors can avoid those hazards; and

(f) The prompt investigation of any injuries that take place at ~~[the]~~ *a* site of the construction project which result in death or serious bodily injury.

3. The owner or principal contractor of the construction project shall hire or contract with *at least* two persons to serve as the primary and alternate coordinators for safety for the construction project ~~[.]~~ *and shall designate one of the persons as the primary coordinator.* The primary and alternate coordinators for safety must:

(a) Possess credentials in the field of safety that the Administrator determines to be adequate to prepare a person to act as a coordinator for

safety for a construction project, including, without limitation, credentials issued by the:

(1) Board of Certified Safety Professionals; or

(2) Insurance Institute of America; or

(b) Have at least 3 years of experience in overseeing matters of occupational safety and health in the field of construction that the Administrator determines to be adequate to prepare a person to act as a coordinator for safety for a construction project.

4. The primary and alternate coordinators for safety for the construction project:

(a) Must not serve as coordinators for safety for another construction project that is covered by a different consolidated insurance program;

(b) Shall oversee and enforce the safety program established pursuant to subsection 2, including, without limitation, resolving problems related to the operation of the safety program; and

(c) Shall ensure that the contractors, employers and subcontractors who are engaged in the construction of the project coordinate their efforts regarding issues of occupational safety and health to create and maintain a safe and healthful workplace.

5. ~~[The]~~ *Each* alternate coordinator for safety *at a site of the construction project* shall report to the primary coordinator for safety regarding activities that take place at ~~[the]~~ *that* site of the construction project when the primary coordinator is absent.

6. The owner or principal contractor of the construction project shall ensure that ~~[the primary or alternate]~~ *a* coordinator for safety for the construction project is physically present at ~~[the]~~ *each* site of the construction project whenever activity related to construction is taking place at ~~[the]~~ *that* site.

Sec. 11. NRS 616B.727 is hereby amended to read as follows:

616B.727 1. A consolidated insurance program that a private company, public entity or utility is authorized to establish and administer pursuant to NRS 616B.710 must, in the manner set forth in this section, provide for the administration of claims for industrial insurance for an employee of a contractor or subcontractor who is engaged in the construction project when such an employee works at ~~[the]~~ *a* site of the construction project.

2. The owner or principal contractor of the construction project shall hire or contract with a person to serve as the administrator of claims for industrial insurance for the construction project. Such a person must not serve as an administrator of claims for industrial insurance for another construction project that is covered by a different consolidated insurance program.

3. The administrator of claims for industrial insurance for the construction project who is hired or with whom the owner or principal contractor contracts pursuant to subsection 2 shall:

(a) Assist an employee who is covered under the consolidated insurance program or, in the event of the employee's death, one of his dependents, in

filing a written notice of injury or death as required pursuant to NRS 616C.015 or a written notice of an occupational disease as required pursuant to NRS 617.342;

(b) Sign and file on behalf of a contractor or subcontractor whose employees are covered under the consolidated insurance program an employer's report of industrial injury or occupational disease as required pursuant to NRS 616C.045 or 617.354;

(c) Ensure that an employee who is covered under the consolidated insurance program and who has been injured or who has incurred an occupational disease while working on the construction project is directed to a medical facility that will provide treatment to the employee under the program;

(d) Handle all issues, to the extent reasonably practicable, relating to claims for industrial insurance at ~~[the]~~ *a* site of the construction project; and

(e) Hire or contract such assistant administrators as may be necessary to carry out his responsibilities pursuant to this section.

4. The owner or principal contractor of the construction project shall ensure that the administrator of claims for industrial insurance for the construction project or an assistant administrator is physically present at ~~[the]~~ *each* site of the construction project whenever activity related to construction is taking place at ~~[the]~~ *that* site.

Sec. 12. NRS 616B.730 is hereby amended to read as follows:

616B.730 1. A consolidated insurance program must not provide industrial insurance coverage, a comprehensive program of safety or for the administration of claims for industrial insurance for an employee of a contractor or subcontractor who is engaged in the construction of the project that is covered by the consolidated insurance program at any time that such an employee does not work at ~~[the]~~ *a* site of the construction project.

2. A contractor or subcontractor who is engaged in the construction of a project that is covered by a consolidated insurance program shall maintain separate industrial insurance coverage for its employees who:

(a) Are not assigned to participate in the construction of the project; or

(b) Are assigned to participate in the construction of the project but who do not work exclusively at ~~[the site]~~ *one or more sites* of the project.

3. The owner or principal contractor of a construction project shall reimburse a contractor or subcontractor who bids successfully on the construction project for the cost of providing separate industrial insurance coverage for an employee if:

(a) The contractor or subcontractor set the amount of his bid in a reasonable, good faith belief that the employee would work exclusively at ~~[the site]~~ *one or more sites* of the construction project and would therefore be fully covered by the consolidated insurance program; and

(b) Because of changed circumstances not reasonably foreseeable at the time the bid was submitted, the employee worked in whole or in part at a location other than ~~[the]~~ *a* site of the construction project, requiring the

contractor or subcontractor to obtain separate industrial insurance coverage for that employee.

Sec. 13. NRS 616B.735 is hereby amended to read as follows:

616B.735 With respect to a construction project for which the owner intends to establish and administer an owner-controlled insurance program or the principal contractor intends to establish and administer a contractor-controlled insurance program, the owner or principal contractor, as appropriate, shall:

1. In the notice or advertisement for bids for the construction of the project, state:

(a) That the employees of contractors and subcontractors who are engaged in the construction of the project will be covered under a consolidated insurance program when such employees work at ~~[the]~~ *a* site of the project; and

(b) Whether such a program will be an owner-controlled insurance program or a contractor-controlled insurance program; and

2. Hold a pre-bid conference at which it provides to potential contractors and subcontractors, without limitation, the following information:

(a) A general explanation of the manner in which a consolidated insurance program operates;

(b) An overview of the provisions of NRS 616B.710 to 616B.737, inclusive;

(c) A general description of the safety procedures that will be required as part of the consolidated insurance program; and

(d) The procedures pursuant to which claims for industrial insurance will be administered.".

Amend the title of the bill, seventh line, by deleting "project;" and inserting:

"project under certain circumstances; providing for construction projects that have more than one construction site;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 168.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 144.

Amend the bill as a whole by deleting sections 2 through 6 and adding new sections designated sections 2 through 6, following section 1, to read as follows:

"Sec. 2. Chapter 616B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *1. A self-insured employer, an association of self-insured public or private employers or a private carrier shall not enter into a contract with an organization for managed care unless the organization's proposed plan for providing medical and health care services ensures that, if medical or health care services are to be provided by the organization, an employee who is injured in the county in which he is employed may choose the services of any provider of health care located in that county or an adjacent county if the employee's place of employment is not within a 20-mile radius of a provider of health care who has contracted with the organization to participate in the plan and provide the services required by the employee. If those services are not available, the injured employee may choose the services of any provider of health care located in this state.*

2. The fees charged by a provider of health care chosen by an injured employee pursuant to this section may not exceed the fees established in accordance with NRS 616C.260 or the usual fee charged by that provider, whichever is less.

Sec. 4. *1. A self-insured employer, an association of self-insured public or private employers or a private carrier shall not enter into a contract with an organization for managed care unless the organization's proposed plan for providing medical and health care services:*

(a) Will provide all medical and health care services that may be required for industrial injuries and occupational diseases that are compensable under chapters 616A to 617, inclusive, of NRS in a manner that ensures the availability and accessibility of adequate treatment to injured employees;

(b) Provides to injured employees an adequate choice of providers of health care who have contracted with the organization to participate in the proposed plan; and

(c) Provides appropriate financial incentives to reduce costs of medical and health care services without affecting the quality of any care provided to an injured employee.

2. The Division may adopt regulations to ensure the adequacy of an insurer's panel of providers of health care established pursuant to subsection 1.

Sec. 5. NRS 616B.003 is hereby amended to read as follows:

616B.003 1. The Administrator shall cause to be conducted at least every ~~[3]~~ *5* years an audit of all insurers who provide benefits to injured employees pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. The Administrator shall cause to be conducted each year on a random basis additional partial audits of any insurer who has a history of violations of the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, or the regulations adopted pursuant thereto, as determined by the Administrator.

2. The Administrator shall require the use of standard auditing procedures and shall establish a manual to describe the standard auditing procedures. The manual must include:

(a) Specific audit objectives;

(b) Standards for documentation;

(c) Policies for supervisory review;

(d) Policies for the training of auditors;

(e) The format for the audit report; and

(f) Procedures for the presentation, distribution and retention of the audit report.

3. The Commissioner and the Administrator shall establish a procedure for sharing information between the Division of Insurance of the Department of Business and Industry and the Division concerning the qualifications of employers as self-insured employers pursuant to NRS 616B.300 or as an association of self-insured public or private employers pursuant to NRS 616B.353.

4. On or before March 1 of each year, the Administrator shall make a report of each audit to the Legislature, if it is in session, or to the Interim Finance Committee if the Legislature is not in session.

Sec. 6. NRS 616B.527 is hereby amended to read as follows:

616B.527 1. A self-insured employer, an association of self-insured public or private employers or a private carrier may:

(a) ~~[Enter]~~ *Except as otherwise provided in sections 3 and 4 of this act, enter* into a contract or contracts with one or more organizations for managed care to provide comprehensive medical and health care services to employees for injuries and diseases that are compensable pursuant to chapters 616A to 617, inclusive, of NRS.

(b) Enter into a contract or contracts with providers of health care, including, without limitation, physicians who provide primary care, specialists, pharmacies, physical therapists, radiologists, nurses, diagnostic facilities, laboratories, hospitals and facilities that provide treatment to outpatients, to provide medical and health care services to employees for injuries and diseases that are compensable pursuant to chapters 616A to 617, inclusive, of NRS.

(c) Require employees to obtain medical and health care services for their industrial injuries from those organizations and persons with whom the self-insured employer, association or private carrier has contracted pursuant to paragraphs (a) and (b), or as the self-insured employer, association or private carrier otherwise prescribes.

(d) Except as otherwise provided in subsection 3 of NRS 616C.090, require employees to obtain the approval of the self-insured employer, association or private carrier before obtaining medical and health care services for their industrial injuries from a provider of health care who has not been previously approved by the self-insured employer, association or private carrier.

2. An organization for managed care with whom a self-insured employer, association of self-insured public or private employers or a private carrier has

contracted pursuant to this section shall comply with the provisions of NRS 616B.528, 616B.5285 and 616B.529.".

Amend the bill as a whole by deleting sec. 8 and renumbering sections 9 through 13 as sections 8 through 12.

Amend sec. 11, page 11, by deleting lines 25 and 26 and inserting: "pursuant to subsection 3 of NRS 616C.090.".

Amend sec. 11, page 11, by deleting lines 31 and 32 and inserting: "*employer makes such an offer, the employer shall confirm the offer in writing within 10 days after making the offer. The making*".

Amend sec. 11, page 11, line 34, after "*not*" by inserting: "*affect the eligibility of the employee to receive compensation or vocational rehabilitation services and does not*".

Amend sec. 11, page 11, by deleting lines 39 and 40 and inserting: "temporary, light-duty employment made by the employer must".

Amend sec. 11, page 12, line 7, after "*and*" by inserting "*employment*".

Amend sec. 12, page 13, line 5, by deleting "and" and inserting "~~[and]~~".

Amend sec. 12, page 13, line 7, by deleting "insurer." and inserting: "insurer ~~[.]~~ *; and*

(c) His right to receive a benefit penalty in accordance with NRS 616D.120.".

Amend sec. 12, page 13, by deleting lines 12 through 14 and inserting: "made and his election becomes final.".

Amend sec. 13, page 14, line 6, after "*and*" by inserting "*employment*".

Amend the bill as a whole by adding a new section designated sec. 13, following sec. 13, to read as follows:

"Sec. 13. *Chapter 616D is hereby amended by adding thereto a new section to read as follows:*

1. If a person wishes to contest a decision of the Administrator to impose or refuse to impose an administrative fine pursuant to this chapter or chapter 616A, 616B, 616C or 617 of NRS, he must file a notice of appeal with the district court in accordance with this section. The notice of appeal must set forth the reasons the proposed administrative fine should or should not be imposed.

2. A person who is aggrieved by:

(a) A written determination of the Administrator; or

(b) The failure of the Administrator to respond within 70 days to a written request mailed to the Administrator by the person who is aggrieved,

may appeal from the determination or failure to respond by filing a request for a hearing before the district court. The request must be filed within 30 days after the date on which the notice of the Administrator's determination was mailed by the Administrator or within 100 days after the date on which the unanswered written request was mailed to the Administrator, as applicable. The failure of the Administrator to respond to a written request for a determination within 70 days after receipt of the request shall be deemed by the district court to be a denial of the request.

3. If a notice of appeal is not filed as required by this section, the imposition of or refusal to impose the administrative fine shall be deemed a final order and is not subject to review by any court or agency.

4. An administrative fine imposed pursuant to this chapter or chapter 616A, 616B, 616C or 617 of NRS must be paid to the Division. If the violation for which the fine is levied was committed by a person while acting within the course and scope of his agency or employment, the fine must be paid by his principal or employer. The fine may be recovered in a civil action brought in the name of the Division in a court of competent jurisdiction in the county in which the violation occurred or in which the person against whom the fine is levied has his principal place of business.".

Amend sec. 14, page 15, by deleting line 16 and inserting: "~~[(2) Persuaded]~~

(b) Without justification, persuaded a claimant to ~~[settle]~~ *:*".

Amend sec. 14, page 15, line 28, after "compensation" by inserting: "*or other relief*".

Amend sec. 14, page 15, by deleting lines 32 and 33 and inserting: "of NRS, if the refusal or delay occurs:".

Amend sec. 14, page 16, by deleting lines 10 through 15 and inserting: "NRS 616C.165; or

~~[(g)]~~ *(h)* Intentionally failed to comply with any provision of, or".

Amend sec. 15, page 19, line 10, by deleting "120" and inserting "~~[120]~~ *90*".

Amend sec. 16, page 19, by deleting lines 20 through 22 and inserting: "Administrator to impose ~~[an administrative fine]~~ or *refuse to impose a* benefit penalty pursuant to ~~[this chapter or chapter 616A, 616B, 616C or 617 of NRS,]~~ *NRS 616D.120,* he must file a notice of appeal with ~~[the~~".

Amend sec. 16, page 19, line 26, by deleting "fine or" and inserting "~~[fine or]~~".

Amend sec. 16, page 19, line 35, by deleting "*30*" and inserting "*70*".

Amend sec. 16, page 19, line 40, by deleting "*70*" and inserting "*30*".

Amend sec. 16, page 19, line 42, after "*or*" by inserting: "*within 100 days after the date on which*".

Amend sec. 16, page 19, line 44, by deleting "*30*" and inserting "*70*".

Amend sec. 16, page 20, line 4, by deleting "fine or" and inserting "~~[fine or]~~".

Amend sec. 16, page 20, by deleting lines 18 through 26 and inserting:

"5. ~~[An administrative fine imposed pursuant to this chapter or chapter 616A, 616B, 616C or 617 of NRS must be paid to the Division. If the violation for which the fine is levied was committed by a person while acting within the course and scope of his agency or employment, the fine must be paid by his principal or employer. The fine may be recovered in a civil action brought in the name of the Division in a court of competent jurisdiction in the county in which the violation occurred or in which the person against whom the fine is levied has his principal place of business.~~".

Amend sec. 16, page 20, line 27, by deleting "6." and inserting "~~6.~~]".

Amend sec. 16, page 20, line 35, by deleting "7." and inserting "~~[7.~~] *6.*".

Amend the bill as a whole by deleting sections 17 and 18 and adding a new section designated sec. 17, and the text of the repealed section, following sec. 16, to read as follows:

"Sec. 17. NRS 616D.280 is hereby repealed.

TEXT OF REPEALED SECTION

616D.280 Injury to employee caused by absence of safety device.

1. If any workman is injured because of the absence of any safeguard or protection required to be provided or maintained by, or pursuant to, any statute, ordinance, or any divisional regulation under any statute, the employer is liable to the Division for a penalty of not less than $300 nor more than $2,000, to be collected in a civil action at law by the Division.

2. The provisions of subsection 1 do not apply if the absence of the safeguard or protection is due to the removal thereof by the injured workman himself, or with his knowledge by any fellow workman, unless the removal is by order or direction of the employer or superintendent or foreman of the employer.

3. If the safeguard or protection is removed by the workman himself, or with his consent is removed by any of his fellow workmen, unless done by order or direction of the employer or superintendent or foreman of the employer, the compensation of the injured workman, as provided for by NRS 616C.405, 616C.425, 616C.435, 616C.440, 616C.445 and 616C.475 to 616C.505, inclusive, must be reduced 25 percent.".

Amend the title of the bill to read as follows:

"AN ACT relating to industrial insurance; prohibiting a self-insured employer, an association of self-insured public or private employers or a private carrier from entering into a contract with an organization for managed care under certain circumstances; increasing the period during which the Administrator of the Division of Industrial Relations of the Department of Business and Industry must cause an audit of certain insurers to be conducted; revising the requirements for determining the percentage of disability for certain injuries and occupational diseases; requiring an employer who offers temporary, light-duty employment to an injured employee to confirm the offer within a certain period under certain circumstances; providing that such an offer must specify a position that has the same seniority and employment benefits as the position of the employee at the time of his injury; requiring a person who wishes to contest a decision of the Administrator to impose or refuse to impose an administrative fine to file a notice of appeal in the district court; authorizing a person who is aggrieved by a written determination of the Administrator or the failure of the Administrator to respond to a written request to appeal the determination or failure to respond to an appeals officer under certain circumstances; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 185.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 410.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sections 3 and 4 as sections 1 and 2 and adding a new section designated sec. 3, following sec. 4, to read as follows:

"Sec. 3. This act becomes effective on July 1, 2003.".

Amend the bill as a whole by deleting sections 5 through 7.

Amend the title of the bill to read as follows:

"AN ACT relating to workers' compensation; excluding certain sports officials from the definition of "employee" for the purposes of the provisions governing workers' compensation for injuries and occupational diseases; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 220.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 197.

Amend section 1, page 2, by deleting lines 1 through 22 and inserting:

"2. Credit reports, references, ~~[investigative memoranda,]~~ financial information and data pertaining to *an applicant's or* a licensee's net worth are confidential and not open to public inspection.

3. Any information or records obtained or received by the Board or an investigator employed by the Board in conjunction with an investigation and any report or other cumulative record of the investigation are confidential and not open to public inspection until the investigation is completed. After the investigation is completed, the information or records must remain confidential and not open to public inspection unless:

(a) The Board imposes disciplinary action as a result of the investigation; or

(b) The person about whom the investigation was made submits a written request to the Board that the materials be open to public inspection.

4. This section does not prevent or prohibit the Board from communicating or cooperating with any other licensing board or agency or

any agency which is investigating an applicant or a licensee, including a law enforcement agency.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 417.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 5 and inserting new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system.*

Sec. 3. *1. Except as otherwise provided in subsection 2, any electricity generated by a provider using any system that involves drawing or creating electricity from tires must be deemed to have not come from a renewable energy system for the purpose of complying with a portfolio standard established pursuant to NRS 704.7821.*

2. For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821, a provider shall be deemed to have generated or acquired 0.7 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a system that utilizes a reverse polymerization process, if:

(a) The system is installed on the premises of a retail customer; and

(b) At least 50 percent of the electricity generated by the system is utilized by the retail customer on that premises.

3. As used in this section:

(a) "Reverse polymerization process" means a process that generates electricity from a tire that:

(1) Uses microwave reduction; and

(2) Does not involve combustion of the tire.

(b) "Tire" includes any tire for any vehicle or device in, upon or by which any person or property is or may be transported or drawn upon land.

Sec. 4. NRS 704.7801 is hereby amended to read as follows:

704.7801 As used in NRS 704.7801 to 704.7828, inclusive, *and sections 2 and 3 of this act,* unless the context otherwise requires, the words and terms

defined in NRS 704.7805 to 704.7818, inclusive, have the meanings ascribed to them in those sections.".

Amend the title of the bill to read as follows:

"AN ACT relating to energy; providing a multiplier for electricity generated by certain renewable energy systems for the purpose of calculating compliance with a portfolio standard for renewable energy; deeming electricity generated by certain processes to be electricity not generated by a renewable energy system; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides multiplier for electricity generated by certain renewable energy systems for purpose of calculating compliance with portfolio standard for renewable energy. (BDR 58-1163)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 418.

Amend sec. 4, page 2, line 7, by deleting "*$5,000,000;*" and inserting "*$1,000,000;*".

Amend sec. 4, page 2, line 11, by deleting "*$1,000,000.*" and inserting "*$250,000.*".

Amend sec. 6, page 2, by deleting lines 29 through 39 and inserting:

"*3. A construction contract for a construction project of the University and Community College System of Nevada.*

4. A construction contract if the owner is a qualified publicly traded company or a wholly owned subsidiary of a qualified publicly traded company.

5. A construction contract if the owner is a qualified private company or a wholly owned subsidiary of a qualified private company.

6. As used in this section:".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 419.

Amend section 1, page 1, line 2, by deleting "and 3" and inserting: "to 10, inclusive,".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 4 and 5 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. *"Account" means the account established pursuant to section 6 of this act.*

Sec. 3. *"Injured person" means a person who:*

1. Paid money to a seller of travel for the purchase of travel services; and

2. Is damaged by the failure of the seller of travel to provide those services adequately.".

Amend sec. 2, page 1, line 5, after "*travel.*" by inserting: "*The statement must be prominently displayed in the advertisement and be in substantially the following form in at least 14-point bold type in a font that is easy to read:*

Nevada Seller of Travel
Registration No. _____.".

Amend sec. 3, page 2, line 3, by deleting: "*3 business days*" and inserting: "*1 business day*".

Amend the bill as a whole by renumbering sections 4 through 7 as sections 11 through 14 and adding new sections designated sections 6 through 10, following sec. 3, to read as follows:

"Sec. 6. *The Division shall administer and account separately for the money received from each seller of travel pursuant to the provisions of paragraph (c) of subsection 1 and paragraph (c) of subsection 4 of NRS 598.365. The Division may refer to the money in the account as the "Recovery Fund."*

Sec. 7. *1. Except as otherwise provided in section 10 of this act, the money in the account must be used to pay claims made by persons who paid money to a seller of travel for the purchase of travel services who are damaged by:*

(a) The failure of a seller of travel to provide the travel services satisfactorily; or

(b) The violation of a seller of travel of any provision of NRS 598.305 to 598.365, inclusive, and sections 2 to 10, inclusive, of this act.

2. Except as otherwise provided in subsection 3, an injured person who wishes to recover from the account must file a complaint with the Division or its designee, within 4 years after the initial purchase of the travel services and on a form established for this purpose by the Division.

3. An injured person who has obtained a judgment in any court of competent jurisdiction for recovery of damages against a seller of travel for the failure of the seller of travel to provide the travel services satisfactorily or the violation by the seller of travel of any provision of NRS 598.305 to 598.365, inclusive, and sections 2 to 10, inclusive, of this act, may file a

complaint with the Division, within 2 years of the entry of the judgment, with the Division for satisfaction of the judgment from the account if:

(a) The proceedings in connection with the judgment, including all appeals, have terminated;

(b) He submits an application on a form established for this purpose by the Division;

(c) He submits proof satisfactory to the Division of the judgment; and

(d) Upon obtaining payment from the account, he assigns his rights to enforce the judgment to the Division.

4. If the Division receives a complaint pursuant to subsection 2, the Division or its designee shall hold a hearing on the complaint. This Division shall:

(a) Affix the time and place for the hearing; and

(b) Notify the injured person, in writing at least 30 days before the date affixed for the hearing, of the time and place of the hearing.

5. Any testimony taken at the hearing must be considered a part of the record of the hearing before the Division or its designee.

6. The hearing must be public if a request is made for a public hearing.

7. The Division or its designee shall act upon the complaint within 6 months after the complaint is filed with the Division.

Sec. 8. *1. Except as otherwise provided in subsection 2, an injured person is eligible for recovery from the account:*

(a) If the Division or its designee, after conducting a hearing on a complaint pursuant to the provisions of subsection 4 of section 7 of this act, finds that the injured person suffered actual damages as a result of:

(1) The failure of a seller of travel to provide the travel services satisfactorily; or

(2) The violation of a seller of travel of any provision of NRS 598.305 to 598.365, inclusive, and sections 2 to 10, inclusive, of this act.

(b) If the injured person files a complaint pursuant to the provisions of subsection 3 of section 7 of this act with the Division for the satisfaction of a judgment from the account.

2. An injured person is not eligible for recovery from the account if:

(a) The injured person is the spouse of the seller of travel, or a personal representative of the spouse of the seller of travel;

(b) The injured person was associated in a business relationship with the seller of travel other than the travel services at issue; or

(c) At the time the person paid the money for the purchase of travel services, the seller of travel was not registered with the Division as required by NRS 598.365.

3. If the Division or its designee determines that an injured person is eligible for recovery from the account pursuant to this section, the Division or its designee may pay out of the account:

(a) If the complaint was filed pursuant to subsection 2 of section 7 of this act, the amount of actual damages suffered, but not to exceed $10,000; or

(b) If the complaint was filed pursuant to subsection 3 of section 7 of this act, the amount of actual damages included in the judgment and remaining unpaid, but not to exceed $10,000.

4. The decision of the Division or its designee regarding eligibility for recovery and all related issues is final and not subject to judicial review.

5. If the injured person has recovered a portion of his loss from sources other than the account, the Division shall deduct the amount recovered from the other sources from the amount payable upon the claim and direct the difference to be paid from the account.

6. To the extent of payments made from the account, the Division is subrogated to the rights of the injured person, including, without limitation, the right to collect from a surety bond or a cash bond. The Division and the Attorney General shall promptly enforce all subrogation claims.

7. The amount of recovery from the account based upon claims made against any single seller of travel:

(a) Must not exceed $200,000; and

(b) For any single action of the seller of travel, must not exceed 20 percent of the balance of the account.

8. As used in this section, "actual damages" includes attorney's fees or costs in contested cases appealed to the Supreme Court of this state. The term does not include any other attorney's fees or costs.

Sec. 9. *1. A seller of travel shall notify each purchaser of travel services from whom he accepts money of the rights of the purchaser pursuant to NRS 598.305 to 598.365, inclusive, and sections 2 to 10, inclusive, of this act, including, without limitation, providing a written statement explaining those rights in any agreement or contract for travel services. The written statement must be in substantially the following form:*

RECOVERY FUND FOR CUSTOMERS
OF SELLERS OF TRAVEL

Payment may be available from the Recovery Fund if you are damaged financially by the failure of a seller of travel to provide satisfactorily the travel services for which you paid and the damage resulted from certain specified violations of Nevada law by a seller of travel registered in this state. To obtain information relating to the Recovery Fund and filing a claim for recovery from the Recovery Fund, you may contact the Consumer Affairs Division of the Department of Business and Industry at the following locations:

SOUTHERN NEVADA: 1850 East Sahara Avenue
Suite 101
Las Vegas, Nevada 89104
Phone: 702.486.7355
Fax: 702.486.7371
ncad@fyiconsumer.org

NORTHERN NEVADA: 4600 Kietzke Lane
Building B, Suite 113
Reno, Nevada 89502
Phone: 775.688.1800
Fax: 775.688.1803

2. The Division may impose upon a seller of travel an administrative fine of not more than:

(a) For the first violation of subsection 1, $100; and

(b) For a second or subsequent violation of subsection 1, $250.

3. The Division shall deposit any money received pursuant to this section in the account established pursuant to section 6 of this act.

4. The provisions of NRS 598.305 to 598.365, inclusive, and sections 2 to 10, inclusive, of this act do not limit the authority of the Division to take disciplinary action against a seller of travel.

Sec. 10. *1. The Division shall:*

(a) On or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the appropriate legislative committee if the Legislature is in session, or to the Interim Finance Committee if the Legislature is not in session, a statement of the condition of the account that is prepared in accordance with generally accepted accounting principles.

(b) Employ accountants as necessary for the performance of the duties set forth in this section and pay any related expenses from the money in the account. Except as otherwise provided in subsection 3, the expenditures made by the Division pursuant to this paragraph must not exceed $10,000 in any fiscal year.

(c) Employ or contract with persons and procure necessary equipment, supplies and services to be paid from or purchased with the money in the account as may be necessary to monitor or process claims filed by injured persons that may result in a recovery from the account.

2. Any interest earned on the money in the account must be credited to the account. The Division may expend the interest earned on the money in the account to increase public awareness of the account. Except as otherwise provided in subsection 3, the expenditures made by the Division for this purpose must not exceed $50,000 in any fiscal year.

3. The total expenditures made by the Division pursuant to this section must not exceed 10 percent of the account in any fiscal year.

4. Once an initial balance of $200,000 exists in the account, the Division shall maintain a minimum balance of $200,000 in the account.

5. The Division shall adopt such regulations as are necessary to carry out the provisions of NRS 598.305 to 598.365, inclusive, and sections 2 to 10, inclusive, of this act, including, without limitation, regulations governing:

(a) The disbursement of money from the account; and

(b) The manner in which a complaint is filed with the Division or its designee pursuant to the provisions of section 7 of this act.".

Amend sec. 4, page 2, line 44, by deleting: "598.395, inclusive, *and sections 2 and 3*" and inserting: "~~[598.395,]~~ *598.365,* inclusive, *and sections 2 to 10, inclusive,*".

Amend sec. 5, page 3, lines 14 and 15, by deleting: "598.395, inclusive, *and sections 2 and 3*" and inserting: "~~[598.395,]~~ *598.365,* inclusive, *and sections 2 to 10, inclusive,*".

Amend sec. 5, page 3, by deleting line 16 and inserting: "the words and terms defined in NRS ~~[598.315]~~ *598.325* to 598.356, inclusive, *and sections 2 and 3 of this act*".

Amend sec. 6, page 3, lines 40 and 41 , by deleting: "or

~~[(c)]~~" and inserting: "~~[or~~

~~(c)]~~".

Amend sec. 6, page 3, line 42, by deleting "inclusive." and inserting: "inclusive ~~[.]~~ *; or*

(e) A motor club as defined in NRS 696A.050.".

Amend sec. 7, page 4, by deleting lines 8 and 9 and inserting:

"(c) ~~[Depositing the security required pursuant to NRS 598.375, if any, with the Division.]~~ *Paying to the Division a fee of $100 for deposit to the account established pursuant to section 6 of this act.*".

Amend sec. 7, page 4, by deleting lines 11 through 14 and inserting: "seller of travel upon receipt of ~~[:~~

~~(a) The security in the proper form if the seller of travel is required to deposit security pursuant to NRS 598.375; and~~

~~(b) The]~~ *the* payment of ~~[the fee]~~ *any fees* required by this section.".

Amend sec. 7, page 4, line 21, by deleting "and" and inserting "~~[and]~~".

Amend sec. 7, page 4, line 22, by deleting "$25." and inserting: "$25 ~~[.]~~ *; and*

(c) Paying to the Division a fee of $100 for deposit to the account established pursuant to section 6 of this act.".

Amend the bill as a whole by deleting sec. 8 renumbering sec. 9 as sec. 17 and adding new sections designated sections 15 and 16, following sec. 7, to read as follows:

"Sec. 15. NRS 598.315, 598.375, 598.385 and 598.395 are hereby repealed.

Sec. 16. 1. Except as otherwise provided in subsections 2 and 3, the Consumer Affairs Division of the Department of Business and Industry shall return any security deposited with the Division by a seller of travel pursuant to NRS 598.365, as the provisions of that section existed before July 1, 2003.

2. The Consumer Affairs Division of the Department of Business and Industry shall not return any security deposited with the Division by a seller of travel pursuant to NRS 598.365, as the provisions of that section existed before July 1, 2003, if:

(a) Before July 1, 2003, a consumer has brought an action to recover from the security pursuant to the provisions of NRS 598.385, as the provisions of that section existed before July 1, 2003; and

(b) The proceedings in connection with the action, including all appeals, have not terminated.

3. If, pursuant to the provisions of subsection 2, the Consumer Affairs Division of the Department of Business and Industry does not return the security deposited with the Division by a seller of travel pursuant to NRS 598.365, as the provisions of that section existed before July 1, 2003, the Division shall return the security to the seller of travel when all proceedings in connection with all actions, including all appeals, brought pursuant to the provisions of NRS 598.385 against the seller of travel have terminated.

4. If, before July 1, 2003, a consumer files an action to recover from the security of a seller of travel pursuant to the provisions of NRS 598.385, as the provisions of that section existed before July 1, 2003, the provisions of that section shall apply, for all purposes, to that action.”.

Amend the bill as a whole by adding the leadlines of repealed sections, following sec. 9, to read as follows:

“

LEADLINES OF REPEALED SECTIONS

598.315 “Commissioner” defined.

598.375 Security required for registration: Form; term; amount; records; rejection for nonconformance; change in form; inadequate amount; exception.

598.385 Rights and remedies of injured consumers; resolution by Division of claims against security; regulations.

598.395 Release of security if seller ceases to operate or registration expires.”.

Amend the title of the bill by deleting the eighth through eleventh lines and inserting: “current certificate; establishing an account for a consumer to recover damages for certain actions of a seller of travel; repealing the provisions that require a seller of travel to comply with certain financial security requirements; repealing the provisions allowing a consumer to recover damages from security deposited by a seller of travel with the Consumer Affairs Division of the Department of Business and Industry;”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 369.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 412.

Amend sec. 3, page 1, line 9, after “*a*” by inserting “*single-line*”.

Amend sec. 3, page 2, line 3, by deleting "*$20,000,000*" and inserting "*$10,000,000*".

Amend sec. 4, page 2, line 6, by deleting "*a*" and inserting: "*an oral or*".

Amend sec. 9, page 3, by deleting lines 8 through 12 and inserting: "*the requirements of the dealer agreement concerning the share of the market the dealer was required to obtain unless the supplier has, for not less than 1 year, provided assistance to the dealer in the dealer's effort to obtain the required share of the market.*

5. A supplier is not required to comply with the provisions of subsections 2 and 3 if the supplier terminates or refuses to renew a dealer agreement for any reason set forth in paragraphs (b) to (i), inclusive, of subsection 6.

6. As used in this section, "good cause" means:".

Amend sec. 10, page 4, by deleting lines 35 and 36 and inserting:

"*(a) Do not apply to a supplier that has established a program for its dealers for the return of surplus repair parts if the program provides credit of not less than 85 percent of the net price for the returned repair parts;*".

Amend sec. 12, page 6, by deleting lines 1 through 3 and inserting:

"*(e) Repurchase any inventory which is owned by the supplier and leased, rented or used in demonstrations by the dealer if the supplier receives an allowance based on the use of such inventory. Inventory which is used in demonstrations for not more than a total of 50 hours shall be deemed new inventory. Inventory which is used in demonstrations for more than 50 hours and purchased from the supplier less than 36 months before the termination of the dealer's agreement must be repurchased at its depreciated value, as determined by the supplier and dealer.*".

Amend the bill as a whole by deleting sec. 19 and inserting a new section designated sec. 19, following sec. 18, to read as follows:

"Sec. 19. *1. Except as otherwise provided in this section, any agreement entered into by a supplier and a dealer concerning reimbursement for work performed under a warranty, including, without limitation, a dealer agreement, must comply with the provisions set forth in this section.*

2. A supplier who authorizes a dealer to perform work under a warranty shall reimburse a dealer who submits a warranty claim for such work. A dealer may submit a warranty claim to a supplier:

(a) During the period the dealer agreement is in effect; or

(b) After the termination of a dealer agreement if the warranty claim concerns work performed under a warranty during the period the dealer agreement was in effect.

3. A warranty claim which is submitted to a supplier must be paid within 30 days after the claim is approved by the supplier. The supplier shall approve or disapprove a warranty claim or any part thereof within 30 days after it receives the warranty claim. If the warranty claim is disapproved, the supplier shall, not later than 30 days after it receives the warranty claim, send written notice to the dealer setting forth the reasons for disapproval of

the warranty claim. A warranty claim which is not disapproved by the supplier within the prescribed period shall be deemed approved.

4. The amount of a warranty claim must not be less than the amount equal to the sum of:

(a) The reasonable and customary time required by the dealer to complete the work, including diagnostic time, expressed in hours and fractions of hours, multiplied by the dealer's hourly retail rate for labor;

(b) The dealer's net price for any repair parts replaced, plus 20 percent of the net price for those parts; and

(c) If a warranty claim concerns repair work for any machinery or equipment which is performed by the dealer in accordance with a safety or modification order issued by a supplier, the costs incurred by the dealer to transport to the dealer's place of business for repair any machinery or equipment which is within the dealer's service area and subject to a safety or modification order.

5. After a supplier has paid a warranty claim, the supplier shall not charge back, set off or otherwise attempt to recover from a dealer any amount of the warranty claim unless:

(a) The warranty claim is fraudulent;

(b) The work was not performed properly or was not necessary to comply with the requirements of the warranty; or

(c) The dealer did not provide the records for the warranty claim as required by the agreement for work performed under the warranty.

6. A supplier shall not require a dealer to pay the costs incurred by the supplier in paying warranty claims by:

(a) Imposing a surcharge;

(b) Reducing any discounts provided to a dealer; or

(c) Imposing additional requirements for the certification of a dealer authorized to perform work under a warranty.

7. Except for a warranty claim where fraud is alleged, a supplier may not audit the records of a dealer relating to a warranty claim more than 1 year after the warranty claim is submitted to the supplier. A supplier may not audit a warranty claim more than once. The provisions of this subsection do not prohibit a supplier from requesting additional information from a dealer if the initial audit of the warranty claim indicates any errors, inconsistencies or fraud.

8. The provisions of this section do not apply to a written dealer agreement which provides compensation to a dealer for any labor required to be performed under a warranty before the labor is performed if the compensation is based on:

(a) A reduction of the price of the equipment sold to the dealer; or

(b) A lump-sum payment of not less than 5 percent of the suggested retail price of the equipment.

9. As used in this section:

(a) "Audit" means an examination by a supplier of the records of a warranty claim submitted by a dealer.

(b) "Net price" means the price a supplier charges a dealer for a repair part.

(c) "Warranty claim" means a request submitted by a dealer to a supplier for payment for work performed under a warranty or a safety or modification order issued by the supplier.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 413.

Amend section 1, page 1, by deleting lines 3 through 12 and inserting:

"*1. Except as otherwise provided in subsection 2 and NRS 338.515 and 338.525, a public body and its officers or agents awarding a contract for a public work shall not withhold payment from the contractor in excess of retainage.*

2. The prohibition set forth in subsection 1 does not apply with respect to any and all liquidated damages that the contractor has agreed to pay in the event that the contractor breaches the contract.".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 7 and 8 and adding new sections designated sections 2 through 6, following section 1, to read as follows:

"Sec. 2. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a workman or workmen employed by them on public works by the day and not under a contract in writing.

2. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

3. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or is licensed as a professional engineer pursuant to chapter 625 of NRS.

4. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

5. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or was exempt from meeting such qualifications pursuant to NRS 338.1383.

6. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

7. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

8. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

9. "Prime contractor" means a person who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his own workforce to perform all or a part of the construction, repair or reconstruction of the project; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors. The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

10. "Public body" means the State, county, city, town, school district or any public agency of this state or its political subdivisions sponsoring or financing a public work.

11. "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities which are financed in whole or in part by public money;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public funds; and

(10) All other publicly owned works and property whose cost as a whole exceeds $20,000. Each separate unit that is a part of a project is included in the cost of the project to determine whether a project meets that threshold.

(b) A building for the University and Community College System of Nevada of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this state or from federal money.

12. *"Schedule of values" means a document detailing the cost of materials and labor necessary to carry out a particular public works contract.*

13. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[13.]~~ *14. "S*tand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto, that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[14.]~~ *15. "Unbalanced bid" means a bid that is based on prices which are significantly less than cost for some bid items and significantly more than cost for others.*

*16. "W*ages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

~~[15.]~~ *17.* "Workman" means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman. The term does not include a design professional.

Sec. 3. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 7 and NRS 338.1906 and 338.1907, this state, or a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents the State or the local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 7, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Each advertisement for bids must include a provision that sets forth:

(a) The requirement that a contractor must be qualified pursuant to NRS 338.1379 to bid on the contract or must be exempt from meeting such qualifications pursuant to NRS 338.1383; and

(b) The period during which an application to qualify as a bidder on the contract must be submitted.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379, unless the bidder is exempt from meeting such qualifications pursuant to NRS 338.1383;

(b) The bidder is not responsive;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; ~~[or]~~

(d) *The bid is unbalanced or, during the immediately preceding 3 years, the bidder has unbalanced a bid or schedule of values in connection with one or more public works contracts; or*

(e) The public interest would be served by such a rejection.

6. Before the State or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the State or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the State or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the State or the local government expects to save by rejecting the bids and performing the project itself.

7. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; or

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727.

Sec. 4. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 8, this state, or a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents the State or the local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 8, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Each advertisement for bids must include a provision that sets forth:

(a) The requirement that a contractor must be qualified pursuant to NRS 338.1379 to bid on the contract or must be exempt from meeting such qualifications pursuant to NRS 338.1383; and

(b) The period during which an application to qualify as a bidder on the contract must be submitted.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379, unless the bidder is exempt from meeting such qualifications pursuant to NRS 338.1383;

(b) The bidder is not responsive;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; ~~[or]~~

(d) *The bid is unbalanced or, during the immediately preceding 3 years, the bidder has unbalanced a bid or schedule of values in connection with one or more public works contracts; or*

(e) The public interest would be served by such a rejection.

6. Before the State or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the State or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the State or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the State or the local government expects to save by rejecting the bids and performing the project itself.

7. In preparing the estimated cost of a project pursuant to subsection 6, the State or a local government must include the fair market value of, or, if known, the actual cost of, all materials, supplies, labor and equipment to be used for the project.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; ~~[or]~~

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; or

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive.

Sec. 5. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 6 and NRS 338.1907, a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents that local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 6, a local government that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The local government shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the local government to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; ~~[or]~~

(c) *The bid is unbalanced or, during the immediately preceding 3 years, the bidder has unbalanced a bid or schedule of values in connection with one or more public works contracts; or*

(d) The public interest would be served by such a rejection.

5. Before a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the project itself.

6. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; or

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive.

Sec. 6. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 7, a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents that local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 7, a local government that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The local government shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the local government to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; ~~[or]~~

(c) *The bid is unbalanced or, during the immediately preceding 3 years, the bidder has unbalanced a bid or schedule of values in connection with one or more public works contracts; or*

(d) The public interest would be served by such a rejection.

5. Before a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the project itself.

6. In preparing the estimated cost of a project pursuant to subsection 5, a local government must include the fair market value of, or, if known, the actual cost of, all materials, supplies, labor and equipment to be used for the project.

7. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; or

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive.".

Amend sec. 3, page 2, by deleting lines 12 through 32 and inserting: "the provisions of the contract so provide. ~~[Not more than 90 percent of the amount of any progress payment may be paid]~~ *Payments must be based upon estimates of work completed under the terms of the contract that are approved by the public body. The public body shall withhold payment of 5 percent of the value of the work completed* until 50 percent of the work required by the contract has been performed. Thereafter the public body may pay any of the remaining progress payments without withholding additional retainage if, in the opinion of the public body, satisfactory progress is being made in the work. *If, after 50 percent of the work required by the contract has been performed and, in the opinion of the public body, satisfactory progress is not being made in the work, the public body may withhold*

additional retainage from any progress payment in an amount sufficient to establish the retainage at up to 10 percent of the value of the work completed up to that time.

2. Except as otherwise provided in NRS 338.525, a public".

Amend sec. 3, page 3, line 1, by deleting "~~[3.]~~ *4." and inserting "3.".*

Amend sec. 3, page 3, line 17, by deleting "~~[4.]~~ *5." and inserting "4.".*

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 9, following sec. 3, to read as follows:

"Sec. 9. 1. This section and sections 1, 2, 3, 5, 7 and 8 of this act become effective on October 1, 2003.

2. Sections 3 and 5 of this act expire by limitation on April 30, 2013.

3. Sections 4 and 6 of this act become effective at 12:01 a.m. on May 1, 2013.".

Amend the title of the bill to read as follows:

"AN ACT relating to public works; prohibiting a public body from withholding payment from contractors in excess of retainage in certain circumstances; authorizing the State or a local government to reject a bid on the basis that the bid is unbalanced or on the basis that the contractor submitting the bid has unbalanced a bid or a schedule of values within the immediately preceding 3 years; revising the provisions prescribing the amount that may be withheld from the progress payments made to contractors on public works; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to public works projects. (BDR 28-996)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 334.

Amend sec. 2, page 1, line 4, after "*road,*" by inserting "*railroad,*".

Amend sec. 2, page 1, line 6, before "*transportation*" by inserting: "*support of or the*".

Amend sec. 3, page 1, line 9, by deleting "*acquire,*" and inserting "*develop,*".

Amend sec. 4, page 2, line 4, by deleting "*acquire,*" and inserting "*develop,*".

Amend sec. 4, page 2, line 14, by deleting "*acquisition*" and inserting "*development*".

Amend sec. 4, page 2, by deleting lines 23 and 24 and inserting:

"*(3) Any property that the person submitting the request proposes that the public body condemn.*".

Amend sec. 4, page 2, line 29, by deleting "*acquisition*" and inserting "*development*".

Amend sec. 4, page 2, line 32, by deleting "*public utility*" and inserting: "*utility or existing transportation facility*".

Amend sec. 4, page 2, line 37, by deleting "*facility.*" and inserting: "*facility, which must include, without limitation:*

(1) A plan for the development, financing and operation of the transportation facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the transportation facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;

(2) A list of any assumptions made by the person about the anticipated use of the transportation facility, including, without limitation, the fees that will be charged for the use of the transportation facility, and a discussion of those assumptions;

(3) The identification of any risk factors identified by the person that are associated with developing, constructing or improving the transportation facility and the plan for addressing those risk factors; and

(4) The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the transportation facility, including, without limitation, an anticipated schedule for the receipt of those resources.".

Amend sec. 5, page 2, by deleting lines 42 through 44 and inserting:

"Sec. 5. *If a public body receives a request regarding a transportation facility pursuant to section 4 of this act and the public body determines that the transportation facility serves a public purpose, the public body may request other persons to submit proposals to develop, construct, improve, maintain or operate, or any combination thereof, the transportation facility.*".

Amend sec. 6, page 3, line 4, by deleting "*To determine*" and inserting "*In determining*".

Amend sec. 6, page 3, by deleting lines 11 and 12 and inserting: "*transportation facility are reasonable and compatible with any statewide or regional program for the improvement of transportation and with the transportation plans of any other*".

Amend sec. 6, page 3, line 18, by deleting "*acquisition*" and inserting "*development*".

Amend sec. 6, page 3, line 22, by deleting "*real*".

Amend sec. 6, page 3, between lines 27 and 28, by inserting:

"*3. The public body may request that a person who submitted a request or proposal pursuant to section 4 or 5 of this act furnish a copy of the request or proposal to each governmental entity that has jurisdiction over an*

area in which any part of the transportation facility is located. Within 30 days after receipt of such a request or proposal, the governmental entity shall submit in writing to the public body any comments it has concerning the transportation facility and shall indicate whether the transportation facility is compatible with any local, regional or statewide transportation plan or program that is applicable to the governmental entity.".

Amend sec. 6, page 3, line 28, by deleting "*3.*" and inserting "*4.*".

Amend sec. 6, page 3, line 33, by deleting "*4.*" and inserting "*5.*".

Amend sec. 6, page 3, line 38, by deleting "*5.*" and inserting "*6.*".

Amend sec. 6, page 3, line 39, by deleting "*acquisition*" and inserting "*development*".

Amend sec. 9, page 4, line 38, by deleting "*Each*" and inserting: "~~[Each]~~ *Except as otherwise provided in subsection 4, each*".

Amend sec. 9, page 4, by deleting lines 40 and 41 and inserting: "build team ~~[once in each fiscal year]~~".

Amend sec. 9, page 5, by deleting line 28 and inserting:

"4. *Each state agency and each department, division, board, unit or agency of a local government may contract with a design-build team once during each fiscal year for the design and construction of a public work subject to the provisions of subparagraph (4) or paragraph (a) of subsection 3.*

5. Notwithstanding the provisions of subsections 1 ~~[, 2 and 3,]~~ *to 4, inclusive,* a".

Amend sec. 9, page 5, line 43, by deleting "5." and inserting "~~[5.]~~ *6.*".

Amend the bill as a whole by adding a new section designated sec. 9.5, following sec. 9, to read as follows:

"Sec. 9.5. NRS 338.1727 is hereby amended to read as follows:

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the public body.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference in bidding on public works and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to preference in bidding on public works, those provisions of this subsection do not apply

insofar as their application would preclude or reduce federal assistance for that public work.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the public work, the public body shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2; or

(b) Reject all the final proposals.

5. If a public body selects a final proposal pursuant to paragraph (a) of subsection 4, the public body shall, at its next regularly scheduled meeting:

(a) Review and ratify the selection.

(b) Award the design-build contract to the design-build team whose proposal is selected.

(c) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(d) Make available to the public a summary setting forth the factors used by the public body to select the successful design-build team and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

6. A contract awarded pursuant to this section:

(a) *Must comply with the provisions of NRS 338.020 to 338.090, inclusive;*

(b) Must specify:

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

~~[(b)]~~ *(c)* May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.

~~[(c)]~~ *(d)* Except as otherwise provided in paragraph ~~[(d),]~~ *(e),* must not require the design professional to defend, indemnify or hold harmless the

public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

~~[(d)]~~ *(e)* May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.

7. Any provision of a contract that is in violation of paragraph ~~[(c)]~~ *(d)* of subsection 6 is declared to be contrary to the public policy of this state and is void.

8. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the public work.".

Amend sec. 11, page 6, line 6, after "*road,*" by inserting "*railroad,*".

Amend sec. 11, page 6, line 8, before "*transportation*" by inserting: "*support of or the*".

Amend sec. 12, page 6, line 11, by deleting "*acquire,*" and inserting "*develop,*".

Amend sec. 13, page 6, line 16, by deleting "*acquire,*" and inserting "*develop,*".

Amend sec. 13, page 6, line 26, by deleting "*acquisition*" and inserting "*development*".

Amend sec. 13, page 6, by deleting lines 35 and 36 and inserting:

"*(3) Any property that the person submitting the request proposes that the Department condemn.*".

Amend sec. 13, page 6, line 41, by deleting "*acquisition*" and inserting "*development*".

Amend sec. 13, page 7, line 1, by deleting "*public utility*" and inserting: "*utility or existing transportation facility*".

Amend sec. 13, page 7, line 6, by deleting "*facility.*" and inserting: "*facility, which must include, without limitation:*

(1) A plan for the development, financing and operation of the transportation facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the transportation facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;

(2) A list of any assumptions made by the person about the anticipated use of the transportation facility, including, without limitation, the fees that

will be charged for the use of the transportation facility, and a discussion of those assumptions;

(3) The identification of any risk factors identified by the person submitting the request that are associated with developing, constructing or improving the transportation facility and the plan for addressing those risk factors; and

(4) The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the transportation facility, including, without limitation, an anticipated schedule for the receipt of those resources.".

Amend sec. 14, page 7, by deleting lines 11 through 13 and inserting:

"Sec. 14. *1. If the Department receives a request regarding a transportation facility pursuant to section 13 of this act and the Department determines pursuant to the provisions of subsection 1 of section 15 of this act that the transportation facility serves a public purpose, the Department may request other persons to submit proposals to develop, construct, improve, maintain or operate, or any combination thereof, the transportation facility.*

2. The Department shall adopt regulations establishing:

(a) The procedures for requesting other persons to submit proposals to the Department; and

(b) The procedures for other persons to submit proposals to the Department.".

Amend sec. 15, page 7, line 17, by deleting "*To determine*" and inserting "*In determining*".

Amend sec. 15, page 7, by deleting lines 24 and 25 and inserting: "*transportation facility are reasonable and compatible with any statewide or regional program for the improvement of transportation and with the transportation plans of any other*".

Amend sec. 15, page 7, line 31, by deleting "*acquisition*" and inserting "*development*".

Amend sec. 15, page 7, line 42, after "*3.*" by inserting: "*The Department may request that a person who submitted a request or proposal pursuant to section 13 or 14 of this act furnish a copy of the request or proposal to each governmental entity that has jurisdiction over an area in which any part of the transportation facility is located. Within 30 days after receipt of such a request or proposal, the governmental entity shall submit in writing to the Department any comments it has concerning the transportation facility and shall indicate whether the transportation facility is compatible with any local, regional or statewide transportation plan or program that is applicable to the governmental entity.*

4.".

Amend sec. 15, page 8, line 3, by deleting "*4.*" and inserting "*5.*".

Amend sec. 15, page 8, line 8, by deleting "*5.*" and inserting "*6.*".

Amend sec. 15, page 8, line 9, by deleting "*acquisition*" and inserting "*development*".

Amend sec. 18, page 8, line 32, by deleting "$30,000,000;" and inserting "~~[$30,000,000;]~~ *$20,000,000;*".

Amend sec. 18, page 9, line 4, by deleting: "$5,000,000 but less than $30,000,000" and inserting: "~~[$5,000,000]~~ *$2,500,000* but less than ~~[$30,000,000]~~ *$20,000,000*".

Amend the bill as a whole by adding a new section designated sec. 18.5, following sec. 18, to read as follows:

"Sec. 18.5. NRS 408.3886 is hereby amended to read as follows:

408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference in bidding on public works and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to preference in bidding on public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2; or

(b) Reject all the final proposals.

5. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4, the Department shall hold a public meeting to:

(a) Review and ratify the selection.

(b) Award the design-build contract to the design-build team whose proposal is selected.

(c) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of

reimbursement must not exceed, for each unsuccessful finalist, three percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(d) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

6. A contract awarded pursuant to this section ~~[must specify:]~~ *:*

(a) *Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and*

(b) Must specify:

(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

~~[(b)]~~ *(2)* An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and

~~[(c)]~~*(3)* A date by which performance of the work required by the contract must be completed.

7. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public works; providing that a public body or the Department of Transportation may authorize a private entity to develop, construct, improve, maintain or operate, or any combination thereof, a transportation facility; providing that certain contracts awarded to a design-build team must comply with the provisions relating to paying a prevailing wage on public works projects; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Allows public body or Department of Transportation to authorize private entity to develop, construct, improve, maintain or operate transportation facility. (BDR 28-798)”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 431.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 425.

Amend the bill as a whole by deleting sections 1 through 16, renumbering sections 17 through 27 as sections 3 through 13 and adding new sections designated as sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 701.350 is hereby amended to read as follows:

701.350 1. The Task Force for Renewable Energy and Energy Conservation is hereby created. The Task Force consists of ~~[nine]~~ *10* members who are appointed as follows:

(a) Two members appointed by the Majority Leader of the Senate, one of whom represents the interests of the renewable energy industry in this state with respect to biomass and the other of whom represents the interests of the mining industry in this state.

(b) Two members appointed by the Speaker of the Assembly, one of whom represents the interests of the renewable energy industry in this state with respect to geothermal energy and the other of whom represents the interests of a nonprofit organization dedicated to the protection of the environment or to the conservation of energy or the efficient use of energy.

(c) One member appointed by the Minority Leader of the Senate to represent the interests of the renewable energy industry in this state with respect to solar energy.

(d) One member appointed by the Minority Leader of the Assembly to represent the interests of the public utilities in this state.

(e) Two members appointed by the Governor, one of whom represents the interests of the renewable energy industry in this state with respect to wind and the other of whom represents the interests of the gaming industry in this state.

(f) One member appointed by the Consumer's Advocate to represent the interests of the consumers in this state.

(g) One member appointed by the governing board of the State of Nevada AFL-CIO or, if the State of Nevada AFL-CIO ceases to exist, by its successor organization or, if there is no successor organization, by the Governor.

2. A member of the Task Force:

(a) Must be a citizen of the United States and a resident of this state.

(b) Must have training, education, experience or knowledge concerning:

(1) The development or use of renewable energy;

(2) Financing, planning or constructing renewable energy generation projects;

(3) Measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(4) Weatherization;

(5) Building and energy codes and standards;

(6) Grants or incentives concerning energy;

(7) Public education or community relations; or

(8) Any other matter within the duties of the Task Force.

(c) Must not be an officer or employee of the Legislative or Judicial Department of State Government.

3. After the initial terms, the term of each member of the Task Force is 3 years. A vacancy on the Task Force must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may be reappointed to the Task Force.

4. A member of the Task Force who is an officer or employee of this state or a political subdivision of this state must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Task Force and perform any work that is necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this state shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

Sec. 2. NRS 704.7815 is hereby amended to read as follows:

704.7815 "Renewable energy system" means:

1. A facility or energy system that:

(a) Uses renewable energy to generate electricity; and

(b) Transmits or distributes the electricity that it generates from renewable energy via:

(1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service; or

(2) A power line which is shared with not more than one facility or energy system generating electricity from nonrenewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service.

2. A solar ~~[thermal]~~ energy system that reduces the consumption of electricity.

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.".

Amend sec. 17, page 7, lines 18 and 22 by deleting "thermal" and inserting "~~[thermal]~~".

Amend sec. 18, page 8, line 8, by deleting: "18 to 38," and inserting: "4 to 21,".

Amend sec. 18, page 8, line 10, by deleting: "19 to 27," and inserting: "5 to 13,".

Amend sec. 20, page 8, line 15, by deleting "30" and inserting "14".

Amend sec. 21, page 8, lines 17 through 19, by deleting: "Committee for the Solar Energy Systems Demonstration Program created by section 28 of this act." and inserting: "Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.".

Amend sec. 22, page 8, line 21, by deleting "30" and inserting "14".

Amend sec. 23, page 8, line 24, by deleting "34" and inserting "18".

Amend sec. 26, page 8, lines 28 and 29, by deleting: "has the meaning ascribed to it in section 4 of this act." and inserting: "means a facility or energy system for the generation of electricity that uses photovoltaic cells and solar energy to generate electricity.".

Amend the bill as a whole by deleting sections 28 and 29 and renumbering sections 30 through 40 as sections 14 through 24.

Amend sec. 30, page 10, by deleting lines 8 through 11 and inserting:

"(a) To install a solar energy system, uses an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and".

Amend sec. 32, page 11, line 9, by deleting "kilowatt-hour" and inserting "kilowatt".

Amend sec. 32, page 11, by deleting lines 14 through 17.

Amend sec. 32, page 11, line 18, by deleting "(e)" and inserting "(d)".

Amend sec. 33, page 11, line 23, by deleting "30" and inserting "14".

Amend sec. 33, page 11, line 32, by deleting "30" and inserting "14".

Amend sec. 34, page 11, line 44, by deleting "30" and inserting "14".

Amend sec. 34, page 12, lines 7, 8, 10, 13, 14, 16, 19, 20 and 22, by deleting "kilowatt-hours" and inserting "kilowatts".

Amend sec. 35, page 12, line 28, by deleting "Project," and inserting "Program,".

Amend sec. 35, page 12, by deleting lines 35 and 36 and inserting: "renewable energy credits equal to twice the actual or estimated kilowatt-hour production of the solar energy system of the participant for a period of not less than 10 years.".

Amend sec. 35, page 12, line 39, by deleting: "kilowatt-hour capacity" and inserting: "actual or estimated kilowatt-hour production".

Amend sec. 36, page 13, line 6, by deleting "Project" and inserting "Program".

Amend sec. 37, page 13, by deleting lines 17 through 21 and inserting: "for participation in the Demonstration Program, the".

Amend sec. 38, page 13, by deleting lines 26 and 27 and inserting: "the governing board of the State of Nevada AFL-CIO shall make the appointment to the Task Force for Renewable Energy and Energy Conservation required by the amendatory provisions of section 1 of this act.".

Amend sec. 40, page 13, line 29, by deleting:

"1. The provisions of sections, 18 to 38," and inserting: "The provisions of sections 4 to 21,".

Amend sec. 40, page 13, by deleting lines 31 through 41.

Amend the preamble of the bill, page 2, by deleting lines 3 and 4 and inserting: "buildings, homes and small businesses and to".

Amend the title of the bill to read as follows:

"AN ACT relating to energy; revising the membership of the Task Force for Renewable Energy and Energy Conservation; requiring the Public Utilities Commission of Nevada to adopt a system of renewable energy credits; providing for the establishment of the Solar Energy Systems Demonstration Program; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 432.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 426.

Amend section 1, pages 1 and 2, by deleting lines 4 through 10 on page 1 and line 1 on page 2 and inserting:

"the contract has been made and awarded to the contractor ~~[, not]~~ *:*

(a) Not less than $20 nor more than $50 for each calendar day or portion thereof that each workman employed on the public work ~~[:~~

~~(a) Is]~~ *is* paid less than the designated rate for any work done under the contract, by the contractor or any subcontractor under him ~~[.~~

~~(b) Is]~~ *; or*

(b) Not less than $20 nor more than $50 for each calendar day or portion thereof for each workman employed on the public work for which the contractor willfully included inaccurate or incomplete information in the monthly record required to be submitted to the public body pursuant to subsection 5 of NRS 338.070.

2. A contractor who violates the provisions of paragraphs (a) and (b) of subsection 1 for the same workman must forfeit as penalty the amount imposed by paragraph (a) or (b), but not both paragraphs.

3. A contractor".

Amend section 1, page 2, by deleting lines 14 through 17.

Amend section 1, page 2, line 20, by deleting: "*1 and 2*" and inserting: "*1, 2 and 3*".

Amend sec. 2, page 3, line 21, after "*penalties*" by inserting: "*provided pursuant to subsection 3 of NRS 338.060 that may be*".

Amend sec. 2, page 3, by deleting lines 26 through 28 and inserting:

"*(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:*

(1) Ten days after the end of the month; or

(2) A date agreed upon by the contractor and subcontractor; and".

Amend the title of the bill, seventh line, after "circumstances;" by inserting: "imposing a penalty against a contractor or subcontractor for willfully including inaccurate or incomplete information in a report required to be submitted to the public body that awarded the contract for the public work;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 490.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 427.

Amend sec. 5, page 2, line 42, by deleting "*$1,500.*" and inserting "*$185.*".

Amend sec. 6, page 3, line 35, by deleting: "*each year on June 30,*" and inserting: "*one year after the date the license is issued,*".

Amend sec. 6, page 3, lines 37 and 38, by deleting: "*on or before June 30 of each year:*" and inserting: "*each year, on or before the date the license expires:*".

Amend sec. 6, page 3, line 40, by deleting "*Satisfactory*" and inserting: "*Except as otherwise provided in this section, satisfactory*".

Amend sec. 6, page 3, line 45, by deleting "*$500.*" and inserting "*$170.*".

Amend sec. 6, page 4, line 3, by deleting: "*on or before June 30 of any year,*" and inserting: "*each year on or before the date the license expires,*".

Amend sec. 6, page 4, line 9, by deleting "*$200.*" and inserting "*$75.*".

Amend sec. 6, page 4, line 16, after "*5.*" by inserting: "*The Commissioner may provide by regulation that a certified course of continuing education attended during a 12-month period, but not needed to satisfy a requirement set forth in this section for the 12-month period in which the course was taken, may be used to satisfy a requirement set forth in this section for a later 12-month period.*

6.".

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. *1. Any mortgage broker or mortgage agent licensed under the provisions of this chapter who is called into the military service of the United States shall, at his request, be relieved from compliance with the provisions of this chapter and placed on inactive status for the period of such military service and for a period of 6 months after discharge therefrom.*

2. At any time within 6 months after termination of such service, providing the provisions of subsection 1 are complied with, the mortgage broker or mortgage agent may be reinstated, without having to meet any

qualification or requirement other than the payment of the reinstatement fee, as provided in NRS 645B.050 or section 6 of this act, and the mortgage broker or mortgage agent must not be required to make payment of the renewal fee for the current year.

3. Any mortgage broker or mortgage agent seeking to qualify for reinstatement, as provided in subsections 1 and 2, must present a certified copy of his honorable discharge or certificate of satisfactory service to the Commissioner.".

Amend sec. 8, page 5, by deleting lines 9 through 15 and inserting: "*consists of five members, each of whom must:*

(a) Be a citizen of the United States;

(b) Be a resident of the State of Nevada; and

(c) Have been a resident of the State of Nevada for the 3 years immediately preceding his appointment to the Board.

2. The Governor shall appoint to the Board:

(a) Two members who must be:

(1) Licensed pursuant to this chapter; and

(2) Engaged in business as a mortgage broker or mortgage agent; and

(b) One member who is a representative of the general public.

3. The Speaker of the Assembly and the Majority Leader of the Senate shall each appoint to the Board one member who must possess knowledge of the field of financial services.

4. At the first meeting of the Board after July 1 of each year, the members of the Board shall elect from among the members a Chairman of the Board.".

Amend sec. 8, page 5, line 16, by deleting "*3.*" and inserting "*5.*".

Amend sec. 8, page 5, line 18, by deleting "*4.*" and inserting "*6.*".

Amend sec. 8, page 5, line 21, by deleting "*5.*" and inserting "*7.*".

Amend sec. 8, page 5, by deleting lines 24 and 25.

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. *1. The Board is hereby declared to be supreme in all matters related to the administration and enforcement of the provisions of this chapter, but not the administration of the Division.*

2. As directed by the Board, the Commissioner shall provide all advice, support and assistance to the Board that the Board deems necessary or useful.".

Amend sec. 9, page 5, line 27, after "*1.*" by inserting: "*Supervise and direct the actions and decisions of the Commissioner with regard to the administration and enforcement of the provisions of this chapter.*

2.".

Amend sec. 9, page 5, line 29, by deleting "*2.*" and inserting "*3.*".

Amend sec. 9, page 5, line 30, by deleting "*and Division*".

Amend sec. 10, page 5, by deleting lines 33 through 35.

Amend sec. 10, page 5, line 36, by deleting "*2.*" and inserting "*1.*".

Amend sec. 10, page 5, by deleting lines 40 through 42 and inserting:

"*2. Require the Commissioner to provide any records or information the Board deems necessary or useful for the Board to exercise its powers.*".

Amend sec. 13, page 7, line 11, by deleting "*A*" and inserting: "*To the extent consistent with federal law, a*".

Amend sec. 17, page 10, line 35, by deleting "In" and inserting: "~~[In]~~ *Except as otherwise provided in this section, in*".

Amend sec. 17, page 11, line 3, after "2." by inserting: "*The Commissioner may provide by regulation that a certified course of continuing education attended during a 12-month period, but not needed to satisfy a requirement set forth in this section for the 12-month period in which the course was taken, may be used to satisfy a requirement set forth in this section for a later 12-month period.*

3.".

Amend sec. 17, page 11, by deleting lines 5 through 10 and inserting: "the mortgage industry or mortgage transactions and which is ~~[:~~

~~(a) Certified by the]~~ *certified by:*

(a) The Board;

(b) The National Association of Mortgage Brokers or any successor in interest to that organization; or ~~[(b) Certified in a manner established by the Commissioner, if the National Association of Mortgage Brokers or any successor in interest to that organization ceases to exist.]~~

(c) Any organization designated for this purpose by the Board by regulation.".

Amend sec. 18, page 11, by deleting lines 12 and 13 and inserting:

"645B.060 1. ~~[Subject]~~ *In accordance with the policies, standards and directions of the Board with regard to the administration and enforcement of this chapter, but subject* to the administrative control of the Director of the Department of Business and Industry ~~[,]~~ *with regard to the administration of the Division,*".

Amend sec. 19, page 13, line 43, by deleting "*includes*" and inserting: "*includes, to the extent consistent with federal law,*".

Amend sec. 26, page 19, line 2, after "issued" by inserting "on or".

Amend sec. 26, page 19, by deleting line 4 and inserting:

"(b) Notwithstanding the provisions of section 6 of this act to the contrary, expires on a date between July 1, 2004, and June 30, 2005, as specified in a written notice provided with the license to the mortgage agent. The Board for the Regulation of Mortgage Brokers and Mortgage Agents shall direct the Commissioner of Financial Institutions to provide various expiration dates for the licenses issued on or before July 1, 2004, as needed to allow for the efficient administration of the requirements of this act. The fee required for such a license that is effective for less than one year must be prorated in an appropriate manner as determined by the Board for the Regulation of Mortgage Brokers and Mortgage Agents.".

Amend sec. 27, page 19, by deleting lines 11 to 19 and inserting:

"Sec. 27. 1. Notwithstanding any provision to the contrary in section 8 of this act, the initial members and Chairman of the Board for the Regulation of Mortgage Brokers and Mortgage Agents created by section 8 of this act must be appointed pursuant to this section not later than January 1, 2004.

2. The Governor shall appoint to the Board:

(a) One member who holds a license as a mortgage broker or mortgage agent and whose term expires on July 1, 2005.

(b) One member who is a representative of the general public and whose terms expires on July 1, 2005.

(c) One member who holds a license as a mortgage broker or mortgage agent and whose term expires on July 1, 2006.

3. The Speaker of the Assembly and the Majority Leader of the Senate shall each appoint to the Board one member who must possess knowledge of the field of financial services and whose term expires on July 1, 2006.

4. Not later than January 1, 2004, the Governor shall appoint a Chairman from among the initial members of the Board.".

Amend the title of the bill, eleventh line, after "agents;" by inserting: "revising provisions governing continuing education;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 495.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 429.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sections 5 through 9 as sections 1 through 5.

Amend sec. 7, page 8, by deleting lines 39 through 45 and inserting: "specified in subsection 2 may be excused if the person aggrieved ~~[shows]~~ *:*

(a) Demonstrates by a preponderance of the evidence that he did not receive the notice of the determination and the forms necessary to request a hearing ~~[.]~~ *; or*

(b) Demonstrates to the satisfaction of the hearing officer that the failure to file a request for a hearing was caused by the death or diagnosis of a terminal disease of a spouse, parent or child.

The claimant or employer shall notify the insurer of a change of address.".

Amend sec. 8, page 10, by deleting lines 8 through 15 and inserting: "in subsection 1 or 2 may be excused if the party aggrieved ~~[shows]~~ *:*

(a) Demonstrates by a preponderance of the evidence that he did not receive the notice of the determination and the forms necessary to appeal the determination ~~[.]~~ *; or*

(b) Demonstrates to the satisfaction of the appeals officer that the failure to file a notice of appeal was caused by the death or diagnosis of a terminal disease of a spouse, parent or child.

The claimant, employer or insurer shall notify the hearing officer of a change of address.".

Amend the bill as a whole by deleting sec. 10 and renumbering sec. 11 as sec. 6.

Amend sec. 11, page 13, by deleting lines 29 through 40 and inserting:

"(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616C.505, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.".

Amend the bill as a whole by deleting sec. 12 and renumbering sections 13 and 14 as sections 7 and 8.

Amend sec. 13, page 18, by deleting lines 28 and 29 and inserting: "the program within 30 days after he ~~[receives written notification that he is eligible]~~ *completes the program* for vocational".

Amend the bill as a whole by deleting sec. 15 and renumbering sections 16 and 17 as sections 9 and 10.

Amend sec. 16, page 21, line 33, by deleting: "and 616D.030 are" and inserting "is".

Amend the text of repealed sections by deleting the text of NRS 616D.030.

Amend the title of the bill to read as follows:

"AN ACT relating to industrial insurance; expanding the period during which an injured employee may request an extension of his program for vocational rehabilitation; revising provisions relating to the notice provided to a claimant concerning the closing of a claim; revising provisions relating to the notice provided to a claimant who elects to receive payment for a permanent partial disability in a lump sum; revising provisions relating to vocational rehabilitation services provided to an injured worker in another state; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 498.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 408.

Amend sec. 2, page 3, by deleting lines 16 through 24 and inserting: "tenancy, whichever is earlier. The refund must include interest *on the amount of the deposit* at the rate ~~[of 5 percent per year,]~~ *required by this*

subsection, compounded annually, for the entire period during which the deposit was held by the landlord. *For the purposes of this subsection, the rate of interest must be equal to the average of the prevailing rates of interest for deposits, as determined by the Administrator.*".

Amend sec. 8, page 8, line 19, by deleting "pay:" and inserting: "pay ~~[:]~~ *the amount described in subsection 2 or 3, in accordance with the choice of the tenant.*

2. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:".

Amend sec. 8, page 8, line 22, by deleting "~~[or]~~" and inserting "or".

Amend sec. 8, page 8, by deleting lines 23 through 29.

Amend sec. 8, page 8, line 30, by deleting "*(c)*" and inserting "(b)".

Amend sec. 8, page 8, line 36, by deleting "2." and inserting:

"~~[2.]~~ *3. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:*

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

4.".

Amend sec. 8, page 8, between lines 39 and 40, by inserting:

"*5. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:*

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.".

Amend sec. 9, page 9, by deleting lines 4 through 20 and inserting:

"(b) The landlord pays ~~[:~~

~~(1) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or~~

~~(2) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles, including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park;]~~ *the amount described in subsection 2 or 3, in accordance with the choice of the tenant;*".

Amend sec. 9, page 9, line 28, after "2." by inserting: "*If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:*

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

3. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

4.".

Amend sec. 9, page 9, line 31, by deleting "3." and inserting:

"~~[3.]~~ *5. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:*

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

6.".

Amend sec. 10, page 11, line 7, after "*tenant*" by inserting: "*who is not a natural person*".

Amend sec. 11, page 12, line 6, after "*tenant*" by inserting: "*who is not a natural person and*".

Amend sec. 12, page 12, line 41, after "*person*" by inserting: "*is not a natural person and*".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 428.

Amend section 1, page 1, by deleting lines 6 through 11 and inserting:

"(a) The medical treatment is provided in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer;".

Amend section 1, page 2, line 3, after "Affairs;" by inserting "or".

Amend section 1, page 2, line 4, by deleting "or".

Amend section 1, page 2, by deleting lines 5 through 8.

Amend section 1, page 2, line 10, by deleting "care;" and inserting: "care and the facility and personnel have the experience and training to provide the treatment in a capable manner;".

Amend section 1, page 2, line 13, by deleting *"and"*.

Amend section 1, page 2, line 16, by deleting *"treatment."* and inserting*: "treatment;*

(f) The clinical trial or study is conducted in this state; and

(g) The policyholder or subscriber has signed, before his participation in the clinical trial or study, a statement of consent indicating that he has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.".

Amend section 1, page 2, by deleting lines 23 through 33 and inserting:

"*(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in the clinical trial or study or as a result of any complication arising out of the medical treatment provided in the clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of health insurance.*

(c) The initial consultation to determine whether the policyholder or subscriber is eligible to participate in the clinical trial or study.

(d) Health care services required for the clinically appropriate monitoring of the policyholder or subscriber during the clinical trial or study.

3. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the policyholder's or subscriber's policy of health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the policyholder or subscriber during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the policyholder or subscriber.

4. An insurer who delivers or issues for delivery a policy of health insurance specified in subsection 1, may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the policyholder or subscriber, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.".

Amend section 1, page 2, line 34, by deleting "*4.*" and inserting "*5.*".

Amend section 1, page 2, line 42, by deleting "*5.*" and inserting "*6.*".

Amend section 1, page 2, line 44, by deleting: "*October 1, 2003,*" and inserting: "*January 1, 2004,*".

Amend section 1, page 3, line 3, by deleting "*6.*" and inserting:

"*7. An insurer who delivers or issues for delivery a policy specified in subsection 1 is immune from liability for:*

(a) Any injury to a policyholder or subscriber caused by:

(1) Any medical treatment provided to the policyholder or subscriber in connection with his participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the policyholder or subscriber in connection with his participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of a policyholder's or subscriber's participation in a clinical trial or study described in this section.

8.".

Amend section 1, page 3, by deleting lines 8 through 15 and inserting:

"*(1) The Clinical Trials Cooperative Group Program; and*

(2) The Community Clinical Oncology Program.

(b) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.".

Amend sec. 4, page 4, by deleting lines 14 through 19 and inserting:

"(a) The medical treatment is provided in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer;".

Amend sec. 4, page 4, line 26, after "*Affairs;*" by inserting "*or*".

Amend sec. 4, page 4, line 27, by deleting "*or*".

Amend sec. 4, page 4, by deleting lines 28 through 31.

Amend sec. 4, page 4, line 33, by deleting "*care;*" and inserting: *"care and the facility and personnel have the experience and training to provide the treatment in a capable manner;"*.

Amend sec. 4, page 4, line 36, by deleting "*and*".

Amend sec. 4, page 4, line 39, by deleting "*treatment.*" and inserting: *"treatment;*

(f) The clinical trial or study is conducted in this state; and

(g) The insured has signed, before his participation in the clinical trial or study, a statement of consent indicating that he has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.".

Amend sec. 4, page 5, by deleting lines 1 through 11 and inserting:

"*(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in the clinical trial or study or as a result of any complication arising out of the medical treatment provided in the clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of group health insurance.*

(c) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(d) Health care services required for the clinically appropriate monitoring of the insured during the clinical trial or study.

3. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's policy of group health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

4. An insurer who delivers or issues for delivery a policy of group health insurance specified in subsection 1, may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.".

Amend sec. 4, page 5, line 12, by deleting "*4.*" and inserting "*5.*".

Amend sec. 4, page 5, line 20, by deleting "*5.*" and inserting "*6.*".

Amend sec. 4, page 5, line 22, by deleting: "*October 1, 2003,*" and inserting: "*January 1, 2004,*".

Amend sec. 4, page 5, line 25, by deleting "*6.*" and inserting:

"*7. An insurer who delivers or issues for delivery a policy of group health insurance specified in subsection 1 is immune from liability for:*

(a) Any injury to the insured caused by:

(1) Any medical treatment provided to the insured in connection with his participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

8.".

Amend sec. 4, page 5, by deleting lines 30 through 37 and inserting:

"*(1) The Clinical Trials Cooperative Group Program; and*

(2) The Community Clinical Oncology Program.

(b) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.".

Amend sec. 6, page 6, by deleting lines 31 through 36 and inserting:

"(a) The medical treatment is provided in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer;".

Amend sec. 6, page 6, line 43, after "*Affairs;*" by inserting "*or*".

Amend sec. 6, page 6, line 44, by deleting "*or*".

Amend sec. 6, page 7, by deleting lines 1 through 4.

Amend sec. 6, page 7, line 6, by deleting "*care;*" and inserting: *"care and the facility and personnel have the experience and training to provide the treatment in a capable manner;".*

Amend sec. 6, page 7, line 9, by deleting "*and*".

Amend sec. 6, page 7, line 12, by deleting "*treatment.*" and inserting: *"treatment;*

(f) The clinical trial or study is conducted in this state; and

(g) The insured has signed, before his participation in the clinical trial or study, a statement of consent indicating that he has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.".

Amend sec. 6, page 7, by deleting lines 19 through 29 and inserting:

"*(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in the clinical trial or study or as a result of any complication arising out of the medical treatment provided in the clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of health insurance.*

(c) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(d) Health care services required for the clinically appropriate monitoring of the insured during the clinical trial or study.

3. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's policy of health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

4. A medical services corporation that delivers or issues for delivery a policy of health insurance specified in subsection 1, may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.".

Amend sec. 6, page 7, line 30, by deleting "*4.*" and inserting "*5.*".

Amend sec. 6, page 7, line 39, by deleting "*5.*" and inserting "*6.*".

Amend sec. 6, page 7, line 41, by deleting: "*October 1, 2003,*" and inserting: "*January 1, 2004,*".

Amend sec. 6, page 7, line 44, by deleting "*6.*" and inserting:

"*7. A medical services corporation that delivers or issues for delivery a policy of health insurance specified in subsection 1 is immune from liability for:*

(a) Any injury to the insured caused by:

(1) Any medical treatment provided to the insured in connection with his participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

8.".

Amend sec. 6, page 8, by deleting lines 5 through 12 and inserting:

"*(1) The Clinical Trials Cooperative Group Program; and*

(2) The Community Clinical Oncology Program.

(b) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 and 633 of NRS.".

Amend sec. 8, page 9, by deleting lines 6 through 11 and inserting:

"(a) The medical treatment is provided in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer;".

Amend sec. 8, page 9, line 18, after "*Affairs*;" by inserting "*or*".

Amend sec. 8, page 9, line 19, by deleting "*or*".

Amend sec. 8, page 9, by deleting lines 20 through 23.

Amend sec. 8, page 9, by deleting lines 24 and 25, and inserting:

"(c) The medical treatment is provided by:

(1) A provider of health care;

(2) If the health maintenance organization has a list of providers of health care given by the health maintenance organization, a provider of health care who is included on that list; and

(3) Facility and personnel who have the experience and training to provide the treatment in a capable manner;".

Amend sec. 8, page 9, line 28, by deleting "*and*".

Amend sec. 8, page 9, line 31, by deleting "*treatment.*" and inserting: "*treatment;*

(f) The clinical trial or study is conducted in this state; and

(g) The enrollee has signed, before his participation in the clinical trial or study, a statement of consent indicating that he has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.”.

Amend sec. 8, pages 9 and 10, by deleting lines 38 through 45 on page 9 and lines 1 through 3 on page 10 and inserting:

“*(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in the clinical trial or study or as a result of any complication arising out of the medical treatment provided in the clinical trial or study, to the extent that such health care services would otherwise be covered under the health care plan.*

(c) The initial consultation to determine whether the enrollee is eligible to participate in the clinical trial or study.

(d) Health care services required for the clinically appropriate monitoring of the enrollee during the clinical trial or study.

3. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the enrollee’s health care plan, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the enrollee during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the enrollee.

4. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1, may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the enrollee, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.”.

Amend sec. 8, page 10, line 4, by deleting “*4.*” and inserting “*5.*”.

Amend sec. 8, page 10, line 12, by deleting “*5.*” and inserting “*6.*”.

Amend sec. 8, page 10, line 14, by deleting: "*October 1, 2003,*" and inserting: "*January 1, 2004,*".

Amend sec. 8, page 10, line 17, by deleting "*6.*" and inserting:

"*7. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 is immune from liability for:*

(a) Any injury to an enrollee caused by:

(1) Any medical treatment provided to the enrollee in connection with his participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the enrollee in connection with his participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an enrollee's participation in a clinical trial or study described in this section.

8.".

Amend sec. 8, page 10, by deleting lines 22 through 29 and inserting:

"*(1) The Clinical Trials Cooperative Group Program; and*

(2) The Community Clinical Oncology Program.

(b) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.".

Amend sec. 12, page 13, by deleting lines 22 through 27 and inserting:

"(a) The medical treatment is provided in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer;".

Amend sec. 12, page 13, line 34, after "*Affairs;*" by inserting "*or*".

Amend sec. 12, page 13, line 35, by deleting "*or*".

Amend sec. 12, page 13, by deleting lines 36 through 39.

Amend sec. 12, page 13, by deleting lines 40 and 41 and inserting:

(c) The medical treatment is provided by:

(1) A provider of health care;

(2) If the managed care organization has established a panel of providers of health care for the purpose of offering health care services pursuant this chapter or chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, a provider of health care who is included on the panel; and

(3) Facility and personnel who have the experience and training to provide the treatment in a capable manner;".

Amend sec. 12, page 13, line 44, by deleting "*and*".

Amend sec. 12, page 14, line 3, by deleting "*treatment*." and inserting: "*treatment;*

(f) The clinical trial or study is conducted in this state; and

(g) The insured has signed, before his participation in the clinical trial or study, a statement of consent indicating that he has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.".

Amend sec. 12, page 14, by deleting lines 10 through 20 and inserting:

"*(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in the clinical trial or study or as a result of any complication arising out of the medical treatment provided in the clinical trial or study, to the extent that such health care services would otherwise be covered under the health care plan.*

(c) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(d) Health care services required for the clinically appropriate monitoring of the insured during the clinical trial or study.

3. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's health care plan, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

4. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1, may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.".

Amend sec. 12, page 14, line 21, by deleting "*4.*" and inserting "*5.*".

Amend sec. 12, page 14, line 29, by deleting "*5.*" and inserting "*6.*".

Amend sec. 12, page 14, line 31, by deleting: "*October 1, 2003,*" and inserting: "*January 1, 2004,*".

Amend sec. 12, page 14, line 34, by deleting "*6.*" and inserting:

"*7. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 is immune from liability for:*

(a) Any injury to an insured caused by:

(1) Any medical treatment provided to the insured in connection with his participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

8.".

Amend sec. 12, pages 14 and 15, by deleting lines 39 through 43 on page 14 and lines 1 through 3 on page 15 and inserting:

"*(1) The Clinical Trials Cooperative Group Program; and*

(2) The Community Clinical Oncology Program.

(b) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.".

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 14, to read as follows:

"Sec. 15. This act becomes effective on January 1, 2004.".

Amend the title of the bill, third line, after "study;" by inserting: "providing immunity from liability for insurers, medical services corporations, health maintenance organizations and managed care organizations for injury and other adverse outcomes occurring in connection with treatment provided in a clinical trial or study for which coverage is required to be provided;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 270.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 5 and 6 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 286 of NRS is amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Extra duty assignment" includes, without limitation, teaching adult education courses or courses in English as a second language,*

teaching summer school courses or courses during other school intermissions, teaching remediation classes or conducting cocurricular or extracurricular activities for pupils, including, without limitation, coaching athletics.

Sec. 3. *1. Except as otherwise provided in subsection 2, for the purposes of an extra duty assignment, an employee shall pay the employee's portion of the contribution required pursuant to NRS 286.410, 286.421 or 286.450, as applicable.*

2. An employee who receives payment for an extra duty assignment may elect to have the payment excluded from his compensation. If an employee makes such an election, he must submit written notice of the election to his public employer. Within 10 days after receipt of such a notice, the public employer shall transmit a copy of the notice to the System. If an employee makes an election pursuant to this subsection, the employee is not required to pay the employee's portion of the contribution required pursuant to NRS 286.410, 286.421 or 286.450, as applicable.

3. If an employee who made an election pursuant to subsection 2 wishes to withdraw the election, he must notify his public employer in writing of the withdrawal. Within 10 days after receipt of such a notice, the public employer shall transmit a copy of the notice to the System. If an employee has provided such notification of the withdrawal of an election pursuant to this subsection, the employee shall pay the employee's portion of the contribution required pursuant to NRS 286.410, 286.421 or 286.450, as applicable.

Sec. 4. NRS 286.016 is hereby amended to read as follows:

286.016 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 286.017 to 286.100, inclusive, *and section 2 of this act,* have the meanings ascribed to them in such sections.".

Amend section 1, page 1, line 13, by deleting "Payment" and inserting: "~~[Payment]~~ *Unless an employee makes an election authorized pursuant to subsection 2 of section 3 of this act and has not withdrawn that election, payment*".

Amend section 1, page 2, by deleting lines 11 and 12 and inserting:

"*(e) Payments to a member who is employed by a school district for less*".

Amend section 1, page 2, by deleting lines 16 through 23 and inserting: "*next school year.*".

Amend the title of the bill by deleting the second and third lines and inserting: "revising the provisions governing payments for extra duty assignments; and providing other matters properly".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing payments for extra duty assignments for purposes of Public Employees' Retirement System. (BDR 23-725).".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Assemblyman Manendo moved that upon return from the printer Assembly Bill No. 68 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 130.

Amend sec. 3, page 6, by deleting lines 37 through 42 and inserting:

"5. By filing the declaration or acceptance of candidacy, the".

Amend sec. 5, page 8, by deleting lines 42 and 43 and inserting: "precincts in the county . ~~[together with a word description of the boundaries of the precincts.]~~".

Amend sec. 5, page 9, by deleting lines 8 and 9 and inserting: "~~[together with a corrected word description of the altered boundaries of the precinct]~~ to the Secretary of State and the Director of the".

Amend sec. 5, page 9, by deleting lines 17 and 18 and inserting: "map ~~[or description]~~ pursuant to this subsection, he shall submit a copy *or electronic file* of the revised map ~~[or description]~~ to the".

Amend sec. 5, page 9, between lines 20 and 21, by inserting:

"*4. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.*".

Amend sec. 6, page 10, by deleting lines 14 and 15 and inserting: "of the precinct *;* ~~[together with a word description of the new boundaries;]~~ and".

Amend sec. 6, page 10, between lines 21 and 22, by inserting:

"*6. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.*".

Amend sec. 7, page 10, by deleting line 28 and inserting:

"(b) Enrolled ~~[as a senior]~~ in high school; *and*".

Amend sec. 7, page 10, line 33, by deleting "*17*" and inserting "*16*".

Amend sec. 7, page 10, line 39, after "school" by inserting: "*or his assigned school counselor*".

Amend sec. 7, page 10, line 43, after "school" by inserting: "*or the assigned school counselor of the pupil*".

Amend sec. 9, page 11, by deleting lines 43 and 44 and inserting:

"*3. By any other system authorized by state or federal law.*".

Amend sec. 12, page 13, by deleting lines 25 through 37 and inserting:

"293.356 ~~[1.]~~ If a request is made to vote early by a registered voter in person, the ~~[county clerk]~~ *election board* shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of ~~[the clerk's office and returned to the clerk.]~~ *a polling place for early voting established*

pursuant to NRS 293.3564 or 293.3572 and returned to the election board. If the ballot is a paper ballot *,* ~~[or]~~ a ballot which is voted by punching a card ~~[, the clerk]~~ *or a ballot which is voted by any other system authorized by state or federal law, the election board* shall follow the same procedure as in the case of absent ballots received by mail.

~~[2. On the dates for early voting prescribed in NRS 293.3568, each county clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.]~~".

Amend the bill as a whole by deleting sec. 13 and adding a new section designated sec. 13, following sec. 12, to read as follows:

"Sec. 13. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting ~~[.]~~ *which may include, without limitation, the clerk's office.*

2. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.".

Amend sec. 15, page 14, by deleting lines 38 through 40 and inserting: "*electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk.* The tally lists and pollbooks".

Amend the bill as a whole by deleting sec. 20, renumbering sections 16 through 19 as sections 17 through 20 and adding a new section designated sec. 16, following sec. 15, to read as follows:

"Sec. 16. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chairman of the recount board. If a registrar of voters has not been appointed for the county, the chairman of the board of county commissioners, if he is not a candidate on the ballot, shall act as chairman of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chairman of the board of county commissioners is a candidate on the ballot,

the chairman of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chairman of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board. ~~[At least one member of the board of county commissioners who is not a candidate on the ballot must be present at the recount.]~~

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chairman of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if he is not a candidate on the ballot, shall act as chairman of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chairman of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board. ~~[At least one member of the city council who is not a candidate on the ballot must be present at the recount.]~~

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

4. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the precincts, but in no case fewer than three precincts, after notification to each candidate for the office or his authorized representative. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this title and shall count the valid ballots by hand. In addition, a recount by computer must be made of all the selected ballots. If the count by hand or the recount by computer of the selected ballots shows a discrepancy equal to or greater than 1 percent or ~~[5]~~ *five* votes, whichever is greater, for the candidate demanding the recount or the candidate who won the election according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the county or city clerk shall order a count by hand of all the ballots for that office or ballot question. Otherwise, the county or city clerk shall order a recount by computer of all the ballots for all candidates for the office or all the ballots for the ballot question.

5. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

6. In the case of a demand for a recount affecting more than one county, the demand must be made to the Secretary of State, who shall notify the county clerks to proceed with the recount.".

Amend the bill as a whole by deleting sec. 26, renumbering sections 24 and 25 as sections 25 and 26 and adding a new section designated sec. 24, following sec. 23, to read as follows:

"Sec. 24. NRS 293B.165 is hereby amended to read as follows:

293B.165 1. A test conducted in the manner prescribed in subsections 1 and 2 of NRS 293B.155 ~~[shall]~~ *must* be conducted immediately before the start of the official count of the ballots and again ~~[immediately]~~ *within 24 hours* after the official count of the ballots.

2. Such tests ~~[shall]~~ *must* be certified by the accuracy certification board.".

Amend sec. 27, page 25, by deleting line 25 and inserting:

"(b) Enrolled ~~[as a senior]~~ in high school; *and*".

Amend sec. 27, page 25, line 30, by deleting "*17*" and inserting "*16*".

Amend sec. 27, page 25, line 36, after "school" by inserting: "*or his assigned school counselor*".

Amend sec. 27, page 25, line 40, after "school" by inserting: "*or the assigned school counselor of the pupil*".

Amend the bill as a whole by deleting sec. 30 and renumbering sec. 31 as sec. 30.

Amend sec. 31, page 28, by deleting lines 19 through 21 and inserting: "*electronic form must, after canvass of the votes by the governing body of the city, be sealed and deposited in the vaults of the city clerk.* The tally lists and pollbooks".

Amend the bill as a whole by deleting sec. 32 and renumbering sections 33 through 35 as sections 31 through 33.

Amend the bill as a whole by deleting sections 36 through 38, renumbering sections 39 and 40 as sections 36 and 37 and adding new sections designated sections 34 and 35, following sec. 35, to read as follows:

"Sec. 34. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

If at 5 p.m. on the last day for filing a notice of intention of candidacy for the position of member of a town board, there is only one candidate who has filed a notice of intention for the position, that candidate must be declared elected and no election may be held for that position.

Sec. 35. NRS 269.016 is hereby amended to read as follows:

269.016 A town board form of government, for the purpose of governing such town in accordance with the powers specified in this chapter, may be established for any unincorporated town in the State of Nevada. The town board form of government ~~[shall]~~ *must* be adopted in the manner provided in NRS 269.0165 or ~~[NRS]~~ 269.017 to 269.019, inclusive ~~[.]~~ *, and section 34 of this act.*".

Amend the title of the bill to read as follows:

"AN ACT relating to elections; revising deadlines relating to the filing of certain documents before an election; providing for the filing and storage of certain documents by electronic means; revising provisions relating to pupils serving as trainees for the position of election board officer; revising provisions relating to absent ballots; authorizing a county or city clerk to designate centralized voting locations for certain elderly or disabled voters under certain circumstances; providing that certain voting records will be printed on paper only in the event of an election contest or recount; making various changes to election procedures; requiring that a candidate for the position of member of a town board who is unopposed be declared elected to the position; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 147.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 8 as sections 1 through 7.

Amend sec. 2, page 1, line 9, by deleting: "*and section 1 of this act*".

Amend sec. 2, page 2, line 1, by deleting: "*issued in print*" and inserting: "*that are issued in print and deposited with the State Publications Distribution Center*".

Amend sec. 2, page 2, lines 8 and 9, by deleting: "*form whenever possible;*" and inserting "*form;*".

Amend sec. 3, page 2, line 15, by deleting: "*and section 1 of this act,*".

Amend sec. 4, page 2, by deleting line 44 and inserting: "*state publication of a type established by regulation pursuant to subsection 6 as appropriate for deposit with or transmittal to the State Publications Distribution Center, shall, in the format established by regulation pursuant to subsection 6:*".

Amend sec. 4, page 3, line 9, by deleting "item" and inserting: "~~[item]~~ *state publication of a type established by regulation pursuant to subsection 6 as appropriate for deposit with the State Publications Distribution Center that is*".

Amend sec. 4, page 3, by deleting line 17 and inserting: "*a publication of a type established by regulation pursuant to subsection 6 as appropriate for deposit with or transmittal to the State Publications Distribution Center, shall, in the format established by regulation pursuant to subsection 6:*".

Amend sec. 4, page 3, by deleting lines 24 through 28 and inserting:

"*4. Each publication deposited with or transmitted to the State Publications Distribution Center by a city, county or regional agency, school*

district or special district pursuant to subsection 3 must be accompanied by a list of all publications that the city, county or regional agency, school district or special district deposited with or transmitted to the Center during that calendar year.

5. Nothing in this section requires a state agency, city, county or regional agency, school district or special district to issue publications in electronic form.

6. The State Library and Archives Administrator, in consultation with state agencies, city, county or regional agencies, school districts and special districts, shall establish by regulation:

(a) The type of publications which are appropriate for deposit with or transmittal to the State Publications Distribution Center pursuant to this section; and

(b) The format in which publications must be deposited with or transmitted to the State Publications Distribution Center pursuant to this section.".

Amend sec. 5, page 3, line 31, by deleting "*print,*" and inserting: "*print pursuant to paragraph (a) of subsection 1 of NRS 378.180,*".

Amend sec. 5, page 3, line 43, by deleting "*form,*" and inserting: "*form pursuant to paragraph (b) of subsection 1 of NRS 378.180,*".

Amend sec. 6, page 4, line 6, by deleting the italicized semicolon and inserting: *"received by the Center pursuant to NRS 378.180;*".

Amend sec. 6, page 4, line 7, after "*publications*" by inserting: "*published pursuant to subsection 1*".

Amend sec. 8, page 4, by deleting lines 26 through 29 and inserting:

"Sec. 7. 1. This section becomes effective upon passage and approval.

2. Section 3 of this act becomes effective upon passage and approval for the purposes of adopting regulations and on October 1, 2003, for all other purposes.

3. Sections 1, 2, 4, 5 and 6 of this act become effective on October 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT *relating to publications of governmental entities; requiring the State Library and Archives Administrator, in consultation with state agencies and certain local governments, to establish by regulation the type of publications and the format in which those publications must be deposited with or transmitted to the State Publications Distribution Center by those state agencies and local governments; requiring state agencies and certain local governments that issue a publication in electronic form to transmit a copy of the publication to the Center; requiring the Center to make available for access on the Internet the electronic publications so transmitted; and providing other matters properly relating thereto.".*

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to publications by state agencies and certain local governments. (BDR 33-1078)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 275.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 336.

Amend section 1, page 2, between lines 2 and 3, by inserting:

"*5. As used in this section, "initial fitting" means measuring the health, integrity and refractive error of the eye to determine whether contacts may be approved pursuant to subsection 1.*".

Amend sec. 2, page 2, between lines 20 and 21, by inserting:

"*5. As used in this section, "initial fitting" means measuring the health, integrity and refractive error of the eye to determine whether contacts may be approved pursuant to subsection 1.*".

Amend the bill as a whole by deleting sections 3 through 8 and the text of the repealed section, renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 636.2893 is hereby amended to read as follows:

636.2893 The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2895. The requirements must include, without limitation:

1. A license to practice optometry in this state;

2. The successful completion of the "Treatment and Management of Ocular Disease Examination" administered by the National Board of Examiners in Optometry on or after January 1, 1993, or an equivalent examination approved by the Board; and

3. Proof that each optometrist who applies for a certificate has treated at least 15 persons who were:

(a) Diagnosed with glaucoma by an ophthalmologist licensed in this state; and

(b) Treated by the optometrist, in consultation with that ophthalmologist, for at least ~~[1 year.]~~ *12 consecutive months*.".

Amend the title of the bill to read as follows:

"AN ACT relating to healing arts; eliminating the authority of a dispensing optician to perform the initial fitting of contact lenses; revising the requirements for an optometrist to be certified to treat persons diagnosed with glaucoma; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to dispensing opticians and optometrists. (BDR 54-1218)."

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 304.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 124.

Amend section 1, page 1, by deleting line 8 and inserting:

"Affairs ~~[,]~~ *or other money provided by the Federal Government for the support of veterans' cemeteries;*".

Amend section 1, page 1, line 9, by deleting "merchandise; and" and inserting "merchandise; ~~[and]~~".

Amend section 1, page 1, line 10, after "(d)" by inserting: "*Grants obtained by the Executive Director or the Deputy Executive Director for the support of veterans' cemeteries; and*

(e)".

Amend section 1, page 1, line 12, after "property" by inserting "*that*".

Amend section 1, page 2, line 23, by deleting "for" and inserting "~~[for]~~".

Amend the bill as a whole by deleting sec. 2 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. Subsection 7 of NRS 417.220 applies to gifts of money and of personal property donated:

1. On or after July 1, 2003; and

2. Before July 1, 2003, that are remaining after that date.

Sec. 3. This act becomes effective on July 1, 2003.".

Amend the title of the bill, first line, after "cemeteries;" by inserting: "revising the provisions governing financial support for veterans' cemeteries;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to provisions governing veterans' cemeteries. (BDR 37-652)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 344.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 317.

Amend section 1, page 1, line 2, by deleting "8," and inserting "7,".

Amend sec. 2, page 1, line 4, by deleting "*8,*" and inserting "*7,*".

Amend sec. 2, page 1, line 6, by deleting: "*3, 4 and 5*" and inserting: "*3 and 4*".

Amend sec. 3, page 1, line 9, after "*causes*" by inserting: "*, by death or disappearance,*".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 through 10 as sections 5 through 9.

Amend sec. 6, page 2, by deleting lines 3 through 16 and inserting:

"Sec. 5. *1. In the event of a vacancy in the office of Representative in Congress, the Governor shall, within 7 days after the event giving rise to the vacancy, issue an election proclamation calling for a special election to fill the vacancy. The Governor shall specify the date of the special election in the proclamation. Except as otherwise provided in subsection 2, the election must be conducted:*

(a) As soon as practicable after the issuance of the proclamation;

(b) On a Tuesday; and

(c) Not more than 180 days after the issuance of the proclamation. If the vacancy is caused by a catastrophe, the election must be conducted not more than 90 days after the issuance of the proclamation.

2. A special election required pursuant to subsection 1 may be consolidated with a statewide election or local election scheduled to be conducted within 90 days after the issuance of the proclamation. The special election may be consolidated with a local election occurring wholly or partially within the same territory in which the vacancy exists only if the voters eligible to vote in the local election comprise at least 50 percent of all voters eligible to vote on the vacancy.".

Amend sec. 7, page 2, line 18, by deleting "*6*" and inserting "*5*".

Amend sec. 7, page 2, line 23, by deleting "*293.204.*" and inserting: "*293.204, which must be established to allow a sufficient amount of time for the mailing of election ballots.*"

Amend sec. 7, page 2, line 34, by deleting "*8,*" and inserting "*7,*".

Amend sec. 8, page 2, line 41, by deleting "*8,*" and inserting "*7,*".

Amend sec. 9, page 2, line 44, by deleting "*8,*" and inserting "*7,*".

Amend the title of the bill, second line, by deleting "Congress" and inserting: "Congress; requiring that the election be held sooner".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for special election to fill vacancy in office of Representative in Congress. (BDR 24-648)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 355.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 345.

Amend sec. 2, page 1, by deleting line 11 and inserting:

"*2. By or in cooperation with a law enforcement agency, fire-fighting agency or other governmental agency for purposes related to the protection of public health and safety;*".

Amend the bill as a whole by deleting sec. 3 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. *1. The board of county commissioners of each county whose population is 400,000 or more shall:*

(a) Designate a preferred airport or other preferred facility for the takeoff and landing of commercial helicopters; and

(b) In consultation with persons having expertise and experience with respect to noise that is emitted and generated by helicopters, establish guidelines for noise for commercial helicopters.

2. The preferred airport or other preferred facility designated pursuant to paragraph (a) of subsection 1:

(a) Must not be the largest airport that is located within the county;

(b) Must not be located within an urban area; and

(c) Must be selected, insofar as is practicable, on the basis that its location will reduce:

(1) The overall impact on the county and on the residents of the county of noise that is emitted and generated by commercial helicopters; and

(2) The risk of danger to the residents of the county related to helicopter traffic.

3. As used in this section, "urban area" means the area encompassed within 5 miles from the boundaries of a city or town whose population is 10,000 or more.".

Amend sec. 4, page 2, by deleting lines 13 through 15 and inserting: "*program pursuant to which, if a commercial helicopter:*

(a) Uses the preferred airport or other preferred facility designated pursuant to paragraph (a) of subsection 1 of section 3 of this act; or

(b) Meets the guidelines for noise established pursuant to paragraph (b) of subsection 1 of section 3 of this act,

the owner of the commercial".

Amend sec. 4, page 2, line 24, by deleting "*Must*" and inserting: "*Must, with respect to the portion of the program which relates to the use by commercial helicopters of the preferred airport or other preferred facility,*".

Amend sec. 4, page 2, line 28, by deleting: "*that subsection; and*" and inserting "*subsection 1;*".

Amend sec. 4, page 2, line 30, by deleting "*that subsection*" and inserting: "*subsection 1 for using the preferred airport or other preferred facility*".

Amend sec. 4, page 2, line 35, by deleting "*(c).*" and inserting: "*(c); and*".

"*(e) Must require an owner of a commercial helicopter who desires to receive the tax exemption described in subsection 1 for meeting the guidelines for noise established pursuant to paragraph (b) of subsection 1 of section 3 of this act to, on an annual basis:*

(1) Reapply for the exemption; and

(2) Provide proof that the commercial helicopter is meeting those guidelines for noise.".

Amend the bill as a whole by renumbering sections 6 and 7 as sections 7 and 8 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. 1. Except as otherwise provided in subsection 2, the board of county commissioners of a county whose population is 400,000 or more, and any other governmental entity within such a county, shall not, during the period commencing on July 1, 2003, and ending on June 30, 2005:

(a) Authorize the construction or operation of a heliport that was not in existence on July 1, 2003; or

(b) Approve or issue any land use permit, the effect of which approval or issuance would be to authorize the construction or operation of a heliport that was not in existence on July 1, 2003.

2. The provisions of subsection 1 do not apply to the extent that those provisions:

(a) Are preempted or prohibited by federal law; or

(b) Violate a condition to the receipt of federal money by this state or a political subdivision of this state.

3. As used in this section:

(a) "Helicopter" includes:

(1) A rotary-wing aircraft; and

(2) A steep-gradient aircraft that is capable of hovering.

(b) "Hel*ipad" means a temporary structure that is not designed for permanent use and is built on the ground to enable a helicopter to land safely.*

(c) *"Heliport" means any area used or intended to be used for the takeoff or landing of helicopters. The term includes, without limitation:*

(1) Any and all areas and buildings that are associated with and necessary to the operation of the heliport; and

(2) A helipad.

(d) "Land use permit" means a building permit, a change in land use, a change in zoning, a conditional use permit, a special use permit, a waiver or a variance.".

Amend sec. 6, page 3, by deleting lines 1 through 3 and inserting:

"Sec. 7. A board of county commissioners shall, on or before January 1, 2004:

1. Make the designation required pursuant to paragraph (a) of subsection 1 of section 3 of this act; and

2. Establish the guidelines for noise described in paragraph (b) of subsection 1 of section 3 of this act.”.

Amend sec. 7, page 3, by deleting line 4 and inserting:

“Sec. 8. 1. This act becomes effective on July 1, 2003.

2. Section 6 of this act expires by limitation on June 30, 2005.

3. Sections 1 to 5, inclusive, and 7 of this act expire by limitation on June 30, 2007.”.

Amend the title of the bill to read as follows:

“AN ACT relating to aeronautics; requiring the board of county commissioners of certain larger counties to designate a preferred airport or other preferred facility for the takeoff and landing of certain commercial helicopters and to establish certain guidelines for noise for those helicopters; establishing a program for the temporary exemption from personal property taxation of certain commercial helicopters that use the designated preferred airport or other preferred facility or meet the established guidelines for noise; establishing a temporary moratorium on the construction or operation of new heliports; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides in certain larger counties for temporary exemption from personal property taxation for certain commercial helicopters and establishes temporary moratorium on construction or operation of new heliports. (BDR 44-877)”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 375.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 315.

Amends the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 43, following the enacting clause, to read as follows:

“Sec. 1. NRS 218.0572 is hereby amended to read as follows:

218.0572 Clark County Senatorial District 3, apportioned one Senator, consists of:

~~[1. Census tracts 000103, 000800, 000900, 001005, 001006, 003001, 003003, 003004, 003101, 003102 and 003419.~~

~~2. Census voting districts 3023, 3024, 3027, 3029, 3050, 3051, 3060, 3070, 3071, 3072, 3073, 3092, 3093, 3119, 3173, 3174, 3175, 4057, 4060, 6014, 6028 and 6029.~~

~~3. In census tract 000101, blocks 3008, 3009, 4008, 4009, 4010, 4011, 4014 and 4015.~~

~~4. In census tract 000105, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011.~~

~~5. In census tract 000203, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007 and 4008.~~

~~6. In census tract 000301, blocks 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035 and 5036.~~

~~7. In census tract 000400, blocks 3004, 3005, 3006, 3007, 3008, 3009, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017 and 5012.~~

~~8. In census tract 000600, blocks 1002 and 1003.~~

~~9. In census tract 000700, blocks 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.~~

~~10. In census tract 001004, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015.~~

~~11. In census tract 002201, blocks 1002, 1006, 1007, 1008, 1009, 1010, 1011, 1017, 1018 and 2012.~~

~~12. In census tract 003005, blocks 3000, 3001, 3002, 3003, 3004, 4000, 4001, 4002, 4003 and 4004.~~

~~13. In census tract 003415, blocks 2002, 2003, 3000, 3001, 3002, 3004, 4000, 4001 and 4012.~~

~~14. In census tract 003416, blocks 1000, 2000, 2001, 2002, 2003, 2004, 2005, 2007, 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.~~

~~15. In census tract 003418, blocks 2000, 2001, 2002, 2003, 2004 and 2005.~~

~~16. In census tract 003420, blocks 1000, 1001, 1002, 1003, 1004 and 1010.~~

~~17. In census tract 003423, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 5001, 5002, 5003, 5006, 5007 and 5008.~~]

1. Census tracts 000103, 000800, 000900, 001005, 001006, 003001, 003003, 003004, 003101, 003102, 003419 and 003422.

2. Census voting districts 3023, 3024, 3027, 3029, 3070, 3071, 3072, 3073, 3092, 3093, 3119, 3173, 3174, 3175, 4057, 4060, 6014, 6028 and 6029.

3. In census tract 000101, blocks 3008, 3009, 4008, 4009, 4010, 4011, 4014 and 4015.

4. In census tract 000105, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011.

5. In census tract 000203, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007 and 4008.

6. In census tract 000301, blocks 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035 and 5036.

7. In census tract 000400, blocks 3004, 3005, 3006, 3007, 3008, 3009, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017 and 5012.

8. In census tract 000600, blocks 1002 and 1003.

9. In census tract 000700, blocks 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

10. In census tract 001004, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015.

11. In census tract 002201, blocks 1002, 1006, 1007, 1008, 1009, 1010, 1011, 1017, 1018 and 2012.

12. In census tract 003005, blocks 3000, 3001, 3002, 3003, 3004, 4000, 4001, 4002, 4003 and 4004.

13. In census tract 003415, blocks 2002, 2003, 3000, 3001, 3002, 3004, 4000, 4001 and 4012.

14. In census tract 003416, blocks 1000, 2000, 2001, 2002, 2003, 2004, 2005, 2007, 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.

15. In census tract 003418, blocks 2000, 2001, 2002, 2003, 2004 and 2005.

16. In census tract 003420, blocks 1000, 1001, 1002, 1003, 1004 and 1010.

17. In census tract 003423, blocks 1006, 1007, 1008, 1009, 1010, 1011, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 5001, 5002, 5003, 5006, 5007 and 5008.

Sec. 2. NRS 218.05735 is hereby amended to read as follows:

218.05735 Clark County Senatorial District 6, apportioned one Senator, consists of:

~~[1. Census tracts 003206, 003207, 003208, 003209, 003211, 003212, 003213, 003214, 003215, 003217, 003219, 003305, 003306, 003411, 003412 and 003421.~~

~~2. Census voting districts 2051, 2052, 2105, 3002, 3003, 3042, 3152 and 3177.~~

~~3. In census tract 003204, blocks 1007, 1008, 1013, 4001, 4007, 4008, 4009, 4010, 4011, 4012, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015 and 6012.~~

~~4. In census tract 003205, block 1034.~~

~~5. In census tract 003218, blocks 3007, 3008 and 3009.~~

~~6. In census tract 003222, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002,~~

~~2003, 2004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010 and 3011.~~

~~7. In census tract 003408, blocks 1001, 1002, 1003, 1006, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003 and 3004.~~

~~8. In census tract 003413, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2017 and 2018.~~

~~9. In census tract 003415, blocks 1000 and 1001.~~

~~10. In census tract 003416, blocks 1005, 1006 and 1007.~~

~~11. In census tract 003418, blocks 1000, 1001, 1002, 1003 and 1004.~~

~~12. In census tract 003422, block 1004.]~~

1. Census tracts 003206, 003207, 003208, 003209, 003211, 003212, 003213, 003214, 003215, 003217, 003219, 003305, 003306, 003411, 003412 and 003421.

2. Census voting districts 2051, 2052, 2105, 3002, 3003, 3042, 3152 and 3177.

3. In census tract 003204, blocks 1007, 1008, 1013, 4001, 4007, 4008, 4009, 4010, 4011, 4012, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015 and 6012.

4. In census tract 003205, block 1034.

5. In census tract 003218, blocks 3007, 3008 and 3009.

6. In census tract 003222, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010 and 3011.

7. In census tract 003408, blocks 1001, 1002, 1003, 1006, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003 and 3004.

8. In census tract 003413, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2017 and 2018.

9. In census tract 003415, blocks 1000 and 1001.

10. In census tract 003416, blocks 1005, 1006 and 1007.

11. In census tract 003418, blocks 1000, 1001, 1002, 1003 and 1004.

Sec. 3. NRS 218.0574 is hereby amended to read as follows:

218.0574 Clark County Senatorial District 7, apportioned two Senators, consists of:

~~[1. Census tracts 001606, 001607, 001612, 001613, 001706, 001707, 001708, 001709, 001710, 001711, 001712, 001714, 001715, 001716, 001718, 001801, 001803, 001804, 002403, 002404, 002405, 002406, 002501, 002504, 002505, 002506, 002601, 002602, 002603, 002702, 002706, 002707, 002708, 002709, 002823, 004910, 004911, 004912, 004922, 004923, 004924, 005005, 005006, 005007, 005008, 005010, 005011 and 005012.~~

~~2. Census voting districts 5014, 5028, 5048, 5049, 5050, 5074, 5075, 6042, 7005, 7006, 7007, 7031, 7044, 7045, 7053, 7054, 7089 and 7094.~~

~~3. In census tract 001610, blocks 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038 and 2039.~~

~~4. In census tract 001611, blocks 1000, 1001, 1002, 1036, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042 and 2043.~~

~~5. In census tract 001713, blocks 1000, 1001 and 2000.~~

~~6. In census tract 001717, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008 and 1009.~~

~~7. In census tract 002201, blocks 2010, 2011, 2013, 2014, 2015, 2016, 2017, 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 3011.~~

~~8. In census tract 002300, blocks 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.~~

~~9. In census tract 002824, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011.~~

~~10. In census tract 002955, blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006.~~

~~11. In census tract 002956, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3009, 3015, 3016 and 3017.~~

~~12. In census tract 005009, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057 and 1058.~~

~~13. In census tract 005101, blocks 1000, 1001 and 2000.~~

~~14. In census tract 005105, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013.~~

~~15. In census tract 005411, blocks 1021, 1022 and 1023.~~

~~16. In census tract 006101, block 2027.]~~

1. Census tracts 001606, 001607, 001612, 001613, 001706, 001707, 001708, 001709, 001710, 001711, 001712, 001714, 001715, 001716, 001718, 001801, 001803, 001804, 002403, 002404, 002405, 002406, 002501, 002504, 002505, 002506, 002601, 002602, 002603, 002702, 002706, 002707, 002708, 002709, 002823, 004910, 004911, 004912, 004922, 004923, 004924, 005005, 005006, 005007, 005008, 005010, 005011 and 005012.

2. Census voting districts 5014, 5028, 5048, 5049, 5050, 5074, 5075, 6042, 7005, 7006, 7007, 7031, 7044, 7045, 7053, 7054, 7089 and 7094.

3. In census tract 001610, blocks 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038 and 2039.

4. In census tract 001611, blocks 1000, 1001, 1002, 1036, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042 and 2043.

5. In census tract 001713, blocks 1000, 1001 and 2000.

6. In census tract 001717, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008 and 1009.

7. In census tract 002201, blocks 2010, 2011, 2013, 2014, 2015, 2016, 2017, 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 3011.

8. In census tract 002300, blocks 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

9. In census tract 002824, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011.

10. In census tract 002955, blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006.

11. In census tract 002956, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3015, 3016 and 3017.

12. In census tract 005009, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057 and 1058.

13. In census tract 005101, blocks 1000, 1001 and 2000.

14. In census tract 005105, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013.

15. In census tract 005411, blocks 1021, 1022 and 1023.

16. In census tract 006101, block 2027.

Sec. 4. NRS 218.0576 is hereby amended to read as follows:

218.0576 Clark County Senatorial District 11, apportioned one Senator, consists of:

~~[1. Census tracts 002203, 002204, 002205, 002912, 002925, 002935, 002936, 002937, 002946, 002948 and 002954.~~

~~2. Census voting districts 1035, 1037, 3095, 3110, 3111, 3112, 3113, 3120, 3125, 6044, 6059, 6062, 6072 and 6073.~~

~~3. In census tract 000104, blocks 3000, 3001, 3002, 3003, 3004, 4000, 4008 and 4009.~~

~~4. In census tract 000105, blocks 2003, 2004, 2005, 2006, 2011, 2012, 2013, 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3015.~~

~~5. In census tract 001003, blocks 4011 and 4013.~~

~~6. In census tract 001004, block 2000.~~

~~7. In census tract 002919, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.~~

~~8. In census tract 002938, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,~~

~~1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1034, 1035, 1036, 1037, 1038 and 1039.~~

~~9. In census tract 002941, blocks 1000, 1001 and 1002.~~

~~10. In census tract 002955, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013.~~

~~11. In census tract 002956, blocks 1007, 1008, 2003, 2004, 3008, 3010, 3011, 3012, 3013 and 3014.~~

~~12. In census tract 002960, blocks 1019, 1020, 1021, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089 and 1090.~~

~~13. In census tract 002961, blocks 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026 and 1027.~~

~~14. In census tract 002962, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1071, 1072, 1073, 1074, 1075, 1076, 1088, 1089, 1090, 1091 and 1092.~~

~~15. In census tract 002963, blocks 1008, 1009, 1010, 1011, 1012 and 1013.~~]

1. Census tracts 002203, 002204, 002205, 002912, 002925, 002935, 002936, 002937, 002946, 002948 and 002954.

2. Census voting districts 1035, 1037, 3095, 3110, 3111, 3112, 3113, 3120, 3125, 6044, 6059, 6062, 6072 and 6073.

3. In census tract 000104, blocks 3000, 3001, 3002, 3003, 3004, 4000, 4008 and 4009.

4. In census tract 000105, blocks 2003, 2004, 2005, 2006, 2011, 2012, 2013, 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3015.

5. In census tract 001003, blocks 4011 and 4013.

6. In census tract 001004, block 2000.

7. In census tract 002919, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.

8. In census tract 002938, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1034, 1035, 1036, 1037, 1038 and 1039.

9. In census tract 002941, blocks 1000, 1001 and 1002.

10. In census tract 002955, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013.

11. In census tract 002956, blocks 1007, 1008, 2003, 2004, 3013 and 3014.

12. In census tract 002960, blocks 1019, 1020, 1021, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089 and 1090.

13. In census tract 002961, blocks 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026 and 1027.

14. In census tract 002962, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1071, 1072, 1073, 1074, 1075, 1076, 1088, 1089, 1090, 1091 and 1092.

15. In census tract 002963, blocks 1008, 1009, 1010, 1011, 1012 and 1013.

Sec. 5. NRS 218.0577 is hereby amended to read as follows:

218.0577 Washoe County Senatorial District 1, apportioned one Senator, consists of:

~~[1. Census tracts 000100, 000200, 000700, 000900, 001400, 001800, 001901, 001902, 002802, 002902 and 003000.~~

~~2. Census voting districts 202, 207, 304, 305, 400, 401, 404, 411, 425, 430, 432, 444, 446, 450, 623, 700 and 752.~~

~~3. In census tract 000300, blocks 1032, 1033, 1034, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3012, 3013, 3014, 3015, 3027, 3028, 3029, 3030 and 3031.~~

~~4. In census tract 000400, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1028 and 1029.~~

~~5. In census tract 001004, blocks 1000, 1001, 1002, 1007 and 1008.~~

~~6. In census tract 001300, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020.~~

~~7. In census tract 001500, blocks 1000, 1001, 2002, 4000, 4001, 4002, 4004, 4013, 4014, 4017, 4018, 4019, 4020 and 4021.~~

~~8. In census tract 001700, blocks 1000, 1001, 1008, 1009, 1010, 1018, 1020, 1021, 1024, 1025, 2001, 2002, 3007, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 5000, 5001, 5002, 5012, 5013 and 5014.~~

~~9. In census tract 002101, blocks 1009, 1010, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008,~~

~~2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079 and 2080.~~

~~10. In census tract 002203, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1015, 1016 and 1017.~~

~~11. In census tract 002401, block 2021.~~

~~12. In census tract 002500, blocks 2004, 2005, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025 and 3026.~~

~~13. In census tract 002702, blocks 3024 and 3029.~~

~~14. In census tract 002801, blocks 1015, 1016, 1017, 1018, 1019, 1020, 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012 and 3013.~~

~~15. In census tract 003101, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057.~~]

1. Census tracts 000100, 000200, 000700, 000900, 001400, 001800, 001901, 001902, 002802, 002902 and 003000.

2. Census voting districts 0202, 0207, 0304, 0305, 0400, 0401, 0404, 0425, 0430, 0432, 0444, 0446, 0450, 0623, 0656, 0700 and 0752.

3. In census tract 000300, blocks 1032, 1033, 1034, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3012, 3013, 3014, 3015, 3027, 3028, 3029, 3030 and 3031.

4. In census tract 000400, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1028 and 1029.

5. In census tract 001004, blocks 1000, 1001, 1002, 1007 and 1008.

6. In census tract 001300, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020.

7. In census tract 001500, blocks 1000, 1001, 2002, 3011, 3012, 3013, 4000, 4001, 4002, 4004, 4013, 4014, 4017, 4018, 4019, 4020 and 4021.

8. In census tract 001700, blocks 1000, 1001, 1008, 1009, 1010, 1018, 1020, 1021, 1024, 1025, 2001, 2002, 3007, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 5000, 5001, 5002, 5012, 5013 and 5014.

9. In census tract 002101, blocks 1009, 1010, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2032, 2033, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079 and 2080.

10. In census tract 002103, block 2004.

11. In census tract 002203, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1015, 1016 and 1017.

12. In census tract 002401, block 2021.

13. In census tract 002500, blocks 2004, 2005, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025 and 3026.

14. In census tract 002702, blocks 3016, 3017, 3018, 3021, 3022, 3023, 3024 and 3029.

15. In census tract 002801, blocks 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012 and 3013.

16. In census tract 003101, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057.

Sec. 6. NRS 218.05775 is hereby amended to read as follows:

218.05775 Washoe County Senatorial District 2, apportioned one Senator, consists of:

~~[1. In Lyon County:~~

~~(a) Census voting district 0075.~~

~~(b) In census tract 940100, blocks 1342 and 1343.~~

~~(c) In census tract 960100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1027, 1028, 1029, 1030, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 2012, 2022, 2024, 2025, 2037, 2038, 2039, 2040, 2041, 3002, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3022, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084,

~~3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3998 and 3999.~~

~~2. In Storey County:~~

~~(a) Census voting district 0025.~~

~~(b) In census tract 970100, blocks 1019, 1020, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1079, 1080, 1081, 1082, 1083, 1998 and 1999.~~

~~3. In Washoe County:~~

~~(a) Census tracts 002701, 002901, 003105, 003106, 003107, 003108, 003502, 003503, 003504, 003505, 003506, 003507 and 940100.~~

~~(b) Census voting districts 405, 423, 424, 426, 440, 442, 443, 632, 656, 706, 708, 713, 779, 806, 827, 836, 862, 882, 883, 889, 892, 893, 896, 897, 908, 909 and 916.~~

~~(c) In census tract 002103, blocks 2000, 2001, 2002, 2003, 2004, 2006, 2020, 2021 and 2999.~~

~~(d) In census tract 002500, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006 and 1007.~~

~~(e) In census tract 002604, blocks 3003, 5017, 5018, 5023, 5024, 5028, 5064, 5065, 5066, 5067, 5069, 5070, 5071, 5072, 5074, 5075, 5076, 5077, 5078, 6000, 6003, 6004, 6009, 6010, 6023, 6024 and 6025.~~

~~(f) In census tract 002609, blocks 1000, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 2000, 2001, 2002, 2003, 2004, 2005, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2032, 2033, 2034, 2035 and 2042.~~

~~(g) In census tract 002702, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3025, 3026, 3032, 3033, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018 and 4019.~~

~~(h) In census tract 002801, blocks 1002, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014.~~

~~(i) In census tract 003101, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029,~~

~~2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085 and 2999.~~

~~(j) In census tract 003501, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1467, 1485, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620,~~

~~1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1993, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2016, 2017, 2018, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 4000, 4034, 4035, 4039, 4041, 4075, 4076, 4079, 4080, 4081, 4082, 4083, 4084, 4087, 4088, 4089, 4090, 4091, 4094, 4100, 4104, 4105, 4106, 4107, 4108, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4151, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4176, 4178, 4179, 4180, 4181, 4193, 4194, 4196, 4197, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4230, 4231, 4232, 4233, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4274, 4275, 4276, 4277, 4281, 4282, 4283, 4284, 4285, 4286, 4287, 4288, 4289, 4290, 4291, 4292, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4319, 4320, 4321, 4322, 4323, 4324, 4325, 4326, 4327, 4328, 4998, 4999, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021 and 6022.~~]

1. In Lyon County:

(a) Census voting district 0075.

(b) In census tract 940100, blocks 1342 and 1343.

(c) In census tract 960100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1027, 1028, 1029, 1030, 1033, 1034, 1035,

1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 2012, 2022, 2024, 2025, 2037, 2038, 2039, 2040, 2041, 3002, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3022, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3998 and 3999.

2. In Storey County:

(a) Census voting district 0025.

(b) In census tract 970100, blocks 1019, 1020, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1079, 1080, 1081, 1082, 1083, 1998 and 1999.

3. In Washoe County:

(a) Census tracts 002701, 002901, 003105, 003106, 003107, 003108, 003502, 003503, 003504, 003505, 003506, 003507 and 009401.

(b) Census voting districts 0405, 0423, 0424, 0426, 0440, 0442, 0443, 0632, 0706, 0708, 0713, 0779, 0806, 0827, 0836, 0862, 0882, 0883, 0889, 0892, 0893, 0896, 0897, 0908, 0909 and 0916.

(c) In census tract 001500, block 3017.

(d) In census tract 002103, blocks 2000, 2001, 2002, 2003, 2006, 2020, 2021 and 2999.

(e) In census tract 002401, block 1000.

(f) In census tract 002500, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006 and 1007.

(g) In census tract 002604, blocks 3003, 5017, 5018, 5023, 5024, 5028, 5064, 5065, 5066, 5067, 5069, 5070, 5071, 5072, 5074, 5075, 5076, 5077, 5078, 6000, 6003, 6004, 6009, 6010, 6023, 6024 and 6025.

(h) In census tract 002609, blocks 1000, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 2000, 2001, 2002, 2003, 2004, 2005, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2032, 2033, 2034, 2035 and 2042.

(i) In census tract 002702, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3019, 3020, 3025, 3026, 3032, 3033, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018 and 4019.

(j) In census tract 002801, blocks 1002, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012 and 1013.

(k) In census tract 003101, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085 and 2999.

(l) In census tract 003501, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341,

1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1467, 1485, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1993, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2016, 2017, 2018, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 4000, 4034, 4035, 4039, 4041, 4075, 4076, 4079, 4080, 4081, 4082, 4083, 4084, 4087, 4088, 4089, 4090, 4091, 4094, 4104, 4105, 4106, 4107, 4108, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4141, 4142, 4144, 4145, 4151, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4176, 4178, 4179, 4180, 4181, 4193, 4194, 4196, 4197, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4230, 4231, 4232, 4233, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4274, 4275, 4276, 4277, 4281, 4282, 4283, 4284, 4285, 4286, 4287, 4288, 4289, 4290, 4291, 4292, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4301, 4302, 4303, 4304, 4305, 4306,

4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4319, 4320, 4321, 4322, 4323, 4324, 4325, 4326, 4327, 4328, 4998, 4999, 6000, 6001, 6002, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021 and 6022.

Sec. 7. NRS 218.0578 is hereby amended to read as follows:

218.0578 Washoe County Senatorial District 3, apportioned one Senator, consists of:

~~[1. Census tracts 001101, 001103, 001104, 001105, 001200, 002300, 002402, 002406, 002603, 002605, 002606 and 002607.~~

~~2. Census voting districts 107, 134, 210, 230, 232, 433, 531, 532, 533, 747, 748, 771, 801, 814, 821, 824, 825, 832, 865, 901 and 913.~~

~~3. In census tract 000300, blocks 3009, 3010, 3011, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3032 and 3033.~~

~~4. In census tract 000400, blocks 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1030, 1031, 2005, 2006, 2028, 3000, 3001, 3002, 3003, 3004, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3028, 3030, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019 and 4020.~~

~~5. In census tract 001003, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2033, 2034, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 4000, 4001, 4004, 4005, 4006, 4007, 4008, 4009, 4013, 4014, 6000, 6001, 6009, 6010, 6011, 6012, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030 and 6046.~~

~~6. In census tract 001006, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2014, 2015, 2016, 2017, 2019, 2021, 2022, 2023, 2026, 2029, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2999, 3036 and 3037~~

~~7. In census tract 001300, blocks 1000, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025 and 2011.~~

~~8. In census tract 002401, block 2020.~~

~~9. In census tract 002500, blocks 1008, 2003, 2006, 2007, 2009, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015.~~

~~10. In census tract 002604, blocks 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 3001, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018,~~

~~3019, 3020, 3021, 3022, 3023, 3024, 3026, 3027, 3028, 3029, 3030, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4015, 4016, 4017, 4019, 4020, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5019, 5022, 5029, 5030, 5031, 5032 and 5033.~~

~~11. In census tract 002609, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1041, 1044, 2006, 2015, 2030, 2031, 2037, 2038, 2040, 2041, 2043 and 2999.~~

~~12. In census tract 003501, blocks 4099, 4146, 4147, 4148, 4149, 4150, 4152, 5101 and 5102.]~~

1. Census tracts 001101, 001103, 001104, 001105, 001200, 002300, 002402, 002406, 002603, 002605, 002606 and 002607.

2. Census voting districts 0107, 0134, 0210, 0230, 0232, 0433, 0531, 0532, 0533, 0747, 0748, 0771, 0801, 0814, 0821, 0824, 0825, 0832, 0865 and 0901.

3. In census tract 000300, blocks 3009, 3010, 3011, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3032 and 3033.

4. In census tract 000400, blocks 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1030, 1031, 2005, 2006, 2028, 3000, 3001, 3002, 3003, 3004, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3028, 3030, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019 and 4020.

5. In census tract 001003, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2033, 2034, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 4000, 4001, 4004, 4005, 4006, 4007, 4008, 4009, 4013, 4014, 6000, 6001, 6009, 6010, 6011, 6012, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030 and 6046.

6. In census tract 001006, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2014, 2015, 2016, 2017, 2019, 2021, 2022, 2023, 2026, 2029, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2999, 3036 and 3037.

7. In census tract 001300, blocks 1000, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025 and 2011.

8. In census tract 002401, blocks 1002 and 2020.

9. In census tract 002500, blocks 1008, 2003, 2006, 2007, 2009, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015.

10. In census tract 002604, blocks 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045,

1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 3001, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3026, 3027, 3028, 3029, 3030, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4015, 4016, 4017, 4019, 4020, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5019, 5022, 5029, 5030, 5031, 5032 and 5033.

11. In census tract 002609, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1041, 1044, 2006, 2015, 2030, 2031, 2037, 2038, 2040, 2041, 2043 and 2999.

12. In census tract 003501, blocks 4099, 4100, 4138, 4139, 4140, 4143, 4146, 4147, 4148, 4149, 4150, 4152, 5101, 5102 and 6003.

Sec. 8. NRS 218.05785 is hereby amended to read as follows:

218.05785 Washoe County Senatorial District 4, apportioned one Senator, consists of:

~~[1. In Carson City:~~

~~(a) Census voting districts 0106, 0108, 0109, 0221, 0222, 0223, 0229 and 0336.~~

~~(b) In census tract 000400, blocks 1000, 1002, 1014, 1020, 1021, 1025, 1026, 1027, 1050, 1051, 1063, 1064, 2015, 2016 and 2017.~~

~~(c) In census tract 000500, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 3000.~~

~~(d) In census tract 000600, block 3011.~~

~~(e) In census tract 000900, blocks 1000, 1002, 1013, 1014, 1015, 1016, 1017, 2004, 2005, 2006, 2007, 2008 and 2009.~~

~~(f) In census tract 001000, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1015, 1016, 1017, 1018, 1019, 1020, 2010 and 2011.~~

~~2. In Washoe County:~~

~~(a) Census tracts 001005, 001007, 002104, 002105, 002106, 002202, 002204, 002205, 003201, 003202, 003302 and 003304.~~

~~(b) Census voting districts 222, 253, 254, 306, 307, 333, 340, 342, 343, 345, 346, 353, 761, 798 and 879.~~

~~(c) In census tract 001003, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2001, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 6031, 6032, 6033, 6034, 6035, 6036, 6037, 6038, 6039 and 6040.~~

~~(d) In census tract 001004, blocks 1003, 1004, 1005, 1006, 2000, 2003, 3000, 3001, 3002, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 5000, 5001, 5002, 5003, 5004 and 5005.~~

~~(e) In census tract 001006, blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1037, 2000, 2001, 2018, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 3012, 3014, 3015, 3027, 3028, 3029, 3030, 3031, 3032, 3034, 3035, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 4000, 4001, 4002, 4003, 4004 and 4005.~~

~~(f) In census tract 002101, blocks 2028, 2029, 2044, 2081, 2082, 2083, 2084, 2085, 2086 and 2087.~~

~~(g) In census tract 002103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2012, 2013, 2014, 2015, 2016 and 2022.~~

~~(h) In census tract 002203, blocks 1009, 2000, 2001, 2002, 2003, 2004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008 and 5009.~~]

1. In Carson City:

(a) Census voting districts 0106, 0108, 0109, 0221, 0222, 0223, 0229 and 0336.

(b) In census tract 000400, blocks 1000, 1002, 1014, 1020, 1021, 1025, 1026, 1027, 1063, 1064 and 2015.

(c) In census tract 000500, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.

(d) In census tract 000600, block 3011.

(e) In census tract 000900, blocks 1000, 1002, 1013, 1014, 1015, 1016, 1017, 2004, 2005, 2007, 2008 and 2009.

(f) In census tract 001000, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1015, 1016, 1017, 1018, 1019, 1020, 2010 and 2011.

2. In Washoe County:

(a) Census tracts 001005, 001007, 002104, 002105, 002106, 002202, 002204, 002205, 003201, 003202, 003302 and 003304.

(b) Census voting districts 0222, 0253, 0254, 0306, 0307, 0333, 0340, 0342, 0343, 0345, 0346, 0353, 0761, 0798 and 0879.

(c) In census tract 001003, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2001, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 6031, 6032, 6033, 6034, 6035, 6036, 6037, 6038, 6039 and 6040.

(d) In census tract 001004, blocks 1003, 1004, 1005, 1006, 2000, 2003, 3000, 3001, 3002, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 5000, 5001, 5002, 5003, 5004 and 5005.

(e) In census tract 001006, blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1037, 2000, 2001, 2018, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058,

2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 3012, 3014, 3015, 3027, 3028, 3029, 3030, 3031, 3032, 3034, 3035, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 4000, 4001, 4002, 4003, 4004 and 4005.

(f) In census tract 002101, blocks 2028, 2029, 2030, 2031, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2081, 2082, 2083, 2084, 2085, 2086 and 2087.

(g) In census tract 002103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2012, 2013, 2014, 2015, 2016 and 2022.

(h) In census tract 002203, blocks 1009, 2000, 2001, 2002, 2003, 2004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008 and 5009.

Sec. 9. NRS 218.0579 is hereby amended to read as follows:

218.0579 Capital Senatorial District, apportioned one Senator, consists of:

~~[1. In Carson City:~~

~~(a) Census tracts 000100, 000200, 000300, 000700 and 000800.~~

~~(b) Census voting districts 0220, 0226, 0260, 0330, 0331, 0337 and 0338.~~

~~(c) In census tract 000400, blocks 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040 and 1041.~~

~~(d) In census tract 000500, blocks 1006, 2009, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3032, 3033, 3034, 4000, 4001, 4002, 4005, 4009, 4010, 4011, 4012, 5000, 5001, 5002, 5013, 5014, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6016, 6017, 6019, 6020, 6021, 6022 and 6023.~~

~~(e) In census tract 000600, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 3000, 3001, 3002, 3003, 3004, 3009, 3010, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031 and 4032.~~

~~(f) In census tract 000900, blocks 2000, 2001, 2002, 2003 and 2011.~~

~~(g) In census tract 001000, blocks 1000, 1001, 1021, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3040, 3041, 3042, 3043, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3153, 3982, 3983, 3984, 3986, 3989, 3994, 3996, 3997 and 3999.~~

~~2. In Douglas County:~~

~~(a) Census tracts 000200, 000301, 000302 and 000400.~~

~~(b) Census voting districts 0040, 0045, 0090, 0135 and 0160.~~

~~(c) In census tract 000102, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1067, 1068, 1069, 1070, 2031, 2057 and 2058.~~

~~(d) In census tract 000103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 3003, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037 and 3038.~~

~~(e) In census tract 000501, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031 and 1032.~~

~~(f) In census tract 000502, blocks 2008 and 2009.~~

~~3. In Lyon County:~~

~~(a) Census tracts 940200, 960200 and 960300.~~

~~(b) Census voting districts 0005, 0015 and 0020.~~

~~(c) In census tract 940100, blocks 1344 and 1345.~~

~~(d) In census tract 960100, blocks 1023, 1024, 1025, 1026, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065 and 2066.~~

~~(e) In census tract 960700, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1048, 1049, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1099, 1100, 1101, 1102, 1103, 1998, 1999, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3062, 3063, 3064, 3065, 3080, 3081, 3082, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4998 and 4999.~~

~~(f) In census tract 960800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1117, 1118, 1119, 1120, 1121,~~

~~1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 2096, 2097, 2098, 2099 and 2100.~~

~~4. In Storey County:~~

~~(a) Census tract 940100.~~

~~(b) Census voting districts 0005, 0010 and 0020.~~

~~(c) In census tract 970100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1021, 1022, 1084, 1085, 1086, 1087, 1088, 1089, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 2018, 2019, 2022, 2026 and 2027.~~]

1. In Carson City:

(a) Census tracts 000100, 000200, 000300, 000700 and 000800.

(b) Census voting districts 0220, 0226, 0260, 0330, 0331, 0337 and 0338.

(c) In census tract 000400, blocks 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1050, 1051, 2016 and 2017.

(d) In census tract 000500, blocks 1006, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3032, 3033, 3034, 4000, 4001, 4002, 4005, 4009, 4010, 4011, 4012, 5000, 5001, 5002, 5013, 5014, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6016, 6017, 6019, 6020, 6021, 6022 and 6023.

(e) In census tract 000600, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 3000, 3001, 3002, 3003, 3004, 3009, 3010, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031 and 4032.

(f) In census tract 000900, blocks 2000, 2001, 2002, 2003, 2006 and 2011.

(g) In census tract 001000, blocks 1000, 1001, 1021, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3040, 3041, 3042, 3043, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3153, 3982, 3983, 3984, 3986, 3989, 3994, 3996, 3997 and 3999.

2. In Douglas County:

(a) Census tracts 000200, 000301, 000302 and 000400.

(b) Census voting districts 0040, 0045, 0090, 0135 and 0160.

(c) In census tract 000102, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1067, 1068, 1069, 1070, 2031, 2057 and 2058.

(d) In census tract 000103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 3003, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037 and 3038.

(e) In census tract 000501, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031 and 1032.

(f) In census tract 000502, blocks 2008 and 2009.

3. In Lyon County:

(a) Census tracts 009402, 009602 and 009603.

(b) Census voting districts 0005, 0015 and 0020.

(c) In census tract 940100, blocks 1344 and 1345.

(d) In census tract 960100, blocks 1023, 1024, 1025, 1026, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065 and 2066.

(e) In census tract 960700, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1048, 1049, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1099, 1100, 1101, 1102, 1103, 1998, 1999, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3062, 3063, 3064, 3065, 3080, 3081, 3082, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4998 and 4999.

(f) In census tract 960800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 2096, 2097, 2098, 2099 and 2100.

4. In Storey County:

(a) Census tract 009401.

(b) Census voting districts 0005, 0010 and 0020.

(c) In census tract 970100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1021, 1022, 1084, 1085, 1086, 1087, 1088, 1089, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 2018, 2019, 2022, 2026 and 2027.

Sec. 10. NRS 218.0586 is hereby amended to read as follows:

218.0586 Assembly District 2 consists of, in Clark County:

~~[1. Census tracts 002915, 002916, 003216, 003221, 003222, 003223, 003226, 005803, 005804 and 005805.~~

~~2. Census voting districts 3005, 6017, 6020, 6023 and 6025.~~

~~3. In census tract 003210, blocks 2007, 2008, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3017, 3018, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029 and 3030.~~

~~4. In census tract 003218, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013 and 5014.~~

~~5. In census tract 005808, blocks 1006, 2001, 2002 and 2003.]~~

1. Census tracts 002915, 002916, 003216, 003221, 003222, 003223, 003226, 005803, 005804 and 005805.

2. Census voting districts 6017, 6020, 6023 and 6025.

3. In census tract 003210, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010 and 4011.

4. In census tract 003211, block 1022.

5. In census tract 003218, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013 and 5014.

6. In census tract 005808, blocks 1006, 2001, 2002 and 2003.

Sec. 11. NRS 218.0596 is hereby amended to read as follows:

218.0596 Assembly District 4 consists of, in Clark County:

~~[1. Census tracts 003205, 003206, 003214 and 003217.~~

~~2. Census voting districts 3002, 3003, 3033, 3035, 3038, 3039, 3040, 3042, 3044, 3145 and 3196.~~

~~3. In census tract 003203, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053,~~

~~1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2066, 2067, 2068, 2069, 2070, 2071, 2091, 2092, 2093, 2094, 2095, 2104, 2105, 2110, 2111, 2112, 2113, 2114, 2136, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182 and 2183.~~

~~4. In census tract 003207, blocks 1004, 1005, 2001, 2002, 2003, 2004, 2005, 3016, 3017, 3018, 3019, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 5005, 5006, 5007, 5008, 5009, 5010, 5011 and 5012.~~

~~5. In census tract 003210, blocks 1000, 2002 and 2003.~~

~~6. In census tract 003211, blocks 1000, 1001, 1002, 1003, 1007, 2000, 2001, 2002, 2003, 2004, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019.~~

~~7. In census tract 003212, blocks 1000, 1001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013 and 6014.~~

~~8. In census tract 003218, blocks 3007, 3008 and 3009.~~

~~9. In census tract 005810, blocks 1003 and 1005.~~]

1. Census tracts 003205, 003206, 003213, 003214 and 003217.

2. Census voting districts 3002, 3003, 3033, 3035, 3038, 3042, 3044, 3145 and 3196.

3. In census tract 003203, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2066, 2067, 2068, 2069, 2070, 2071, 2091, 2092, 2093, 2094, 2095, 2104, 2105, 2110, 2111, 2112, 2113, 2114, 2136, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182 and 2183.

4. In census tract 003207, blocks 1004, 1005, 2001, 2002, 2003, 2004, 2005, 3016, 3017, 3018, 3019, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 5005, 5006, 5007, 5008, 5009, 5010, 5011 and 5012.

5. In census tract 003210, blocks 1000, 2002 and 2003.

6. In census tract 003211, blocks 1000, 1001, 1002, 1003, 1007, 1018, 1019, 1020, 1021, 1023, 1024, 1025, 1026, 1027, 2000, 2001, 2002, 2003, 2004, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019.

7. In census tract 003212, blocks 1000, 1001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013 and 6014.

8. In census tract 003218, blocks 3007, 3008 and 3009.

9. In census tract 005810, blocks 1003 and 1005.

Sec. 12. NRS 218.061 is hereby amended to read as follows:

218.061 Assembly District 7 consists of, in Clark County:

~~[1. Census tract 003614.~~

~~2. Census voting districts 2109, 2110, 2137, 3054, 3057, 3098, 3099, 3181, 4012, 4013, 4014, 4016, 4017, 4018, 4020, 4031, 4063 and 4064.~~

~~3. In census tract 003417, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.~~

~~4. In census tract 003420, blocks 3000, 3004 and 3007.~~

~~5. In census tract 003603, blocks 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~6. In census tract 003611, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2011, 2012, 2013, 2014, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2038.~~

~~7. In census tract 003612, blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.~~

~~8. In census tract 003613, blocks 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020 and 4021.~~

~~9. In census tract 003700, blocks 1008, 1009, 1010 and 1020.~~

~~10. In census tract 003800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1014, 4001 and 4009.~~

~~11. In census tract 004400, blocks 1005, 1006, 1007, 1008, 1017, 1018, 1019, 2002 and 2003.~~

~~12. In census tract 004500, blocks 2000, 2001, 2002, 2003, 2005, 2006, 2007 and 2008.~~

~~13. In census tract 004600, blocks 1002, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3011, 3012, 3013, 3014 and 3015.~~

~~14. In census tract 004714, blocks 1005, 1006 and 1011.~~

~~15. In census tract 004715, blocks 1013 and 2012.~~

~~16. In census tract 004716, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.~~]

1. Census tract 003614.

2. Census voting districts 2109, 2110, 2137, 3054, 3057, 3098, 3099, 3181, 4012, 4013, 4014, 4016, 4017, 4018, 4020, 4031, 4063 and 4064.

3. In census tract 003417, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.

4. In census tract 003420, blocks 3000, 3004 and 3007.

5. In census tract 003603, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

6. In census tract 003611, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2011, 2012, 2013, 2014, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2038.

7. In census tract 003612, blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.

8. In census tract 003613, blocks 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020 and 4021.

9. In census tract 003615, blocks 2005, 2006, 2007, 2008 and 2009.

10. In census tract 003700, blocks 1008, 1009, 1010 and 1020.

11. In census tract 003800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1014, 4001 and 4009.

12. In census tract 004400, blocks 1005, 1006, 1007, 1008, 1017, 1018, 1019, 2002 and 2003.

13. In census tract 004500, blocks 2000, 2001, 2002, 2003, 2005, 2006, 2007 and 2008.

14. In census tract 004600, blocks 1002, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3002, 3011, 3012, 3013, 3014 and 3015.

15. In census tract 004714, blocks 1005, 1006 and 1011.

16. In census tract 004715, blocks 1013 and 2012.

17. In census tract 004716, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.

Sec. 13. NRS 218.0615 is hereby amended to read as follows:

218.0615 Assembly District 8 consists of, in Clark County:

~~[1. Census tracts 002204, 002912, 002925 and 002954.~~

~~2. Census voting districts 1040, 6044 and 6066.~~

~~3. In census tract 002203, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010.~~

~~4. In census tract 002205, blocks 3000, 3001, 3002, 3003, 3004, 3005 and 3006.~~

~~5. In census tract 002935, blocks 1007, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.~~

~~6. In census tract 002955, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013.~~

~~7. In census tract 002956, blocks 1007, 1008, 2003, 2004, 3013 and 3014.~~

~~8. In census tract 002962, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1066, 1068, 1069, 1070, 1071, 1072, 1079, 1080, 1081 and 1082.~~

~~9. In census tract 002963, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1041, 1042, 1043, 1044, 1053 and 1054.~~]

1. Census tracts 002204, 002912, 002925 and 002954.

2. Census voting districts 1040, 6044 and 6066.

3. In census tract 002203, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010.

4. In census tract 002205, blocks 3000, 3001, 3002, 3003, 3004, 3005 and 3006.

5. In census tract 002935, blocks 1007, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.

6. In census tract 002955, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013.

7. In census tract 002956, blocks 1007, 1008, 2003, 2004, 3013 and 3014.

8. In census tract 002962, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1066, 1069, 1070, 1071, 1072, 1079, 1080, 1081 and 1082.

9. In census tract 002963, blocks 1003, 1004, 1005, 1006, 1007, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1041, 1042, 1043, 1044, 1053 and 1054.

Sec. 14. NRS 218.0625 is hereby amended to read as follows:

218.0625 Assembly District 10 consists of, in Clark County:

~~[1. Census tracts 002000, 002201, 002300, 002601, 002810, 002831, 002832, 002834, 002835 and 002836.~~

~~2. Census voting districts 3118, 5068 and 5070.~~

~~3. In census tract 002403, block 2002.~~

~~4. In census tract 002404, blocks 1001, 1002, 1003 and 1005.~~

~~5. In census tract 002405, blocks 1001 and 1002.~~

~~6. In census tract 002702, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023 and 1024.~~

~~7. In census tract 002807, blocks 3003, 3004, 3005, 3006, 3031, 3032, 3033 and 3034.~~

~~8. In census tract 002809, blocks 1004, 1005, 1021 and 1022.~~

~~9. In census tract 002814, blocks 1009, 1010, 1011, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2007, 2008, 2009, 2010 and 2011.~~

~~10. In census tract 002815, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1025, 1026, 1027, 1036, 1037 and 1038.~~

~~11. In census tract 002816, blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012.~~

~~12. In census tract 002828, blocks 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045 and 1046.~~

~~13. In census tract 002927, block 2000.~~

~~14. In census tract 002955, blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006.~~

~~15. In census tract 002956, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3015, 3016 and 3017.~~

~~16. In census tract 002962, blocks 1000, 1001, 1002, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1073, 1074, 1075, 1076, 1077, 1078, 1083, 1084, 1085, 1086 and 1087.~~

~~17. In census tract 002963, blocks 1000, 1001, 1002, 1027, 1028, 1029, 1030, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1087, 1088, 1089 and 1090.~~

~~18. In census tract 005816, blocks 1000, 1001, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1090 and 1091.~~]

1. Census tracts 002000, 002201, 002300, 002601, 002810, 002831, 002832, 002834, 002835 and 002836.

2. Census voting districts 3118, 5068 and 5070.

3. In census tract 002403, block 2002.

4. In census tract 002404, blocks 1001, 1002, 1003 and 1005.

5. In census tract 002405, blocks 1001 and 1002.

6. In census tract 002702, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023 and 1024.

7. In census tract 002807, blocks 3003, 3004 and 3005.

8. In census tract 002814, blocks 1009, 1010, 1011, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2007, 2008, 2009, 2010 and 2011.

9. In census tract 002815, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1025, 1026, 1027, 1036, 1037 and 1038.

10. In census tract 002816, blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012.

11. In census tract 002828, blocks 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045 and 1046.

12. In census tract 002927, block 2000.

13. In census tract 002955, blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006.

14. In census tract 002956, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3015, 3016 and 3017.

15. In census tract 002962, blocks 1000, 1001, 1002, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1073, 1074, 1075, 1076, 1077, 1078, 1083, 1084, 1085, 1086 and 1087.

16. In census tract 002963, blocks 1000, 1001, 1002, 1027, 1028, 1029, 1030, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1087, 1088, 1089 and 1090.

17. In census tract 005816, blocks 1000, 1001, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1090 and 1091.

Sec. 15. NRS 218.063 is hereby amended to read as follows:

218.063 Assembly District 11 consists of, in Clark County:

~~[1. Census tracts 000510, 000516 and 004000.~~

~~2. Census voting districts 2018, 2020, 2021, 4043, 4046, 4047, 4048, 4049 and 4069.~~

~~3. In census tract 000400, blocks 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 4000, 4001, 4002, 4003, 4004, 5000, 5001, 5005, 5006, 5007, 5008, 5009 and 5010.~~

~~4. In census tract 000504, blocks 1002, 1005, 1006, 2000, 2001, 2005, 2006, 2008, 2009, 3000, 3001, 3002, 3003 and 3007.~~

~~5. In census tract 000517, blocks 1002, 1003, 1005, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009.~~

~~6. In census tract 000518, blocks 1000, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 4000 and 4004.~~

~~7. In census tract 000519, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.~~

~~8. In census tract 003800, blocks 1008, 1009, 1010, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 4000, 4002, 4003 and 4004.~~

~~9. In census tract 004300, blocks 1014, 2006, 2007, 2008, 2009 and 2010.~~

~~10. In census tract 004400, blocks 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 4005, 4006, 4007, 4008 and 4012.]~~

1. Census tracts 000510, 000516 and 004000.

2. Census voting districts 2018, 2020, 2021, 4043, 4046, 4047, 4048, 4049 and 4069.

3. In census tract 000400, blocks 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 4000, 4001, 4002, 4003, 4004, 5000, 5001, 5005, 5006, 5007, 5008, 5009 and 5010.

4. In census tract 000504, blocks 1002, 1005, 1006, 2000, 2001, 2005, 2006, 2008, 2009 and 3007.

5. In census tract 000517, blocks 1002, 1003, 1005, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009.

6. In census tract 000518, blocks 1000, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 4000 and 4004.

7. In census tract 000519, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.

8. In census tract 003800, blocks 1008, 1009, 1010, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 4000, 4002, 4003 and 4004.

9. In census tract 004300, blocks 1014, 2006, 2007, 2008, 2009 and 2010.

10. In census tract 004400, blocks 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 4005, 4006, 4007, 4008 and 4012.

Sec. 16. NRS 218.0635 is hereby amended to read as follows:

218.0635 Assembly District 12 consists of, in Clark County:

~~[1. Census tracts 001500, 001609, 001610, 004910, 004911, 004912 and 004924.~~

~~2. Census voting districts 1043, 4045, 5005 and 5019.~~

~~3. In census tract 000504, blocks 3004 and 3012.~~

~~4. In census tract 000518, blocks 1001, 1002, 1003, 1004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4001, 4002, 4003 and 4005.~~

~~5. In census tract 001300, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 5000 and 5006.~~

~~6. In census tract 001400, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 3001, 3002, 3003, 3012, 3013, 3014, 4000, 4001, 4002, 4003, 4006, 4007, 4008, 4009, 4014, 4015, 4016, 4017, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017 and 5018.~~

~~7. In census tract 001608, blocks 2001 and 2002.~~

~~8. In census tract 001611, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2013 and 2014.~~

~~9. In census tract 004922, blocks 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033.~~

~~10. In census tract 004923, block 1012.]~~

1. Census tracts 001500, 001609, 001610, 004910, 004911, 004912 and 004924.

2. Census voting districts 1043, 4045, 5005 and 5019.

3. In census tract 000504, blocks 3000, 3001, 3002, 3003, 3004 and 3012.

4. In census tract 000518, blocks 1001, 1002, 1003, 1004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4001, 4002, 4003 and 4005.

5. In census tract 001300, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 5000 and 5006.

6. In census tract 001400, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 3001, 3002, 3003, 3012, 3013, 3014, 4000, 4001, 4002, 4003, 4006, 4007, 4008, 4009, 4014, 4015, 4016, 4017, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017 and 5018.

7. In census tract 001608, blocks 2001 and 2002.

8. In census tract 001611, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2013 and 2014.

9. In census tract 004922, blocks 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033.

10. In census tract 004923, block 1012.

Sec. 17. NRS 218.0655 is hereby amended to read as follows:

218.0655 Assembly District 16 consists of, in Clark County:

~~[1. Census tracts 001714, 002706, 002707, 002708, 002709, 002811, 002823, 002824 and 002825.~~

~~2. Census voting districts 1059, 1060, 7032, 7061, 7062, 7066, 7069, 7071, 7089, 7091 and 7092.~~

~~3. In census tract 001713, blocks 1000, 1001, 1010, 1011, 1013, 1014, 1015 and 2000.~~

~~4. In census tract 001717, blocks 1014, 1015 and 1016.~~

~~5. In census tract 002702, blocks 1014 and 3010.~~

~~6. In census tract 002807, block 2005.~~

~~7. In census tract 002809, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039 and 4040.~~

~~8. In census tract 002814, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1012, 2000, 2001, 2002, 2003, 2004, 2005 and 2006.~~

~~9. In census tract 002830, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038 and 1039.]~~

1. Census tracts 001714, 002706, 002707, 002708, 002709, 002811, 002823, 002824 and 002825.

2. Census voting districts 1059, 1060, 7032, 7061, 7062, 7066, 7069, 7071, 7089, 7091 and 7092.

3. In census tract 001713, blocks 1000, 1001, 1010, 1011, 1013, 1014, 1015 and 2000.

4. In census tract 001717, blocks 1014, 1015 and 1016.

5. In census tract 002702, blocks 1014 and 3010.

6. In census tract 002809, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039 and 4040.

7. In census tract 002814, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1012, 2000, 2001, 2002, 2003, 2004, 2005 and 2006.

8. In census tract 002830, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038 and 1039.

Sec. 18. NRS 218.066 is hereby amended to read as follows:

218.066 Assembly District 17 consists of, in Clark County:

~~[1. Census tracts 003605, 003606, 003607, 003608, 003615 and 004703.~~

~~2. Census voting districts 2004, 2083, 2140, 2142, 3131 and 3136.~~

~~3. In census tract 003603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1052, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1073, 1074, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010.~~

~~4. In census tract 003604, blocks 1008, 1009, 1010, 1011 and 1012.~~

~~5. In census tract 003610, blocks 1000, 1001, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 4000, 4001, 4007, 4008, 4009, 4010, 4011 and 4012.~~

~~6. In census tract 003611, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2017, 2018, 2019, 2020 and 2021.~~

~~7. In census tract 004600, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3016, 3017, 3018 and 3019.~~

~~8. In census tract 004712, blocks 1000, 1001, 1002, 2000, 2001, 2002, 3000, 3001, 3002, 3003, 3004, 3005 and 3006.~~

~~9. In census tract 004715, blocks 1000, 1004, 1005 and 1012.~~

~~10. In census tract 005817, blocks 1000 and 1163.~~

~~11. In census tract 005818, blocks 1000, 1050, 1051 and 1052.~~

~~12. In census tract 005902, blocks 1108, 1109, 1110, 1111, 1112, 1118, 1134, 1135, 1136, 1152, 1154, 1155, 1156, 1157, 1158, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186,~~

~~1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1223, 1224, 1225, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250 and 1251.~~

~~13. In census tract 006000, blocks 9001, 9002, 9003, 9004, 9007, 9009, 9011, 9012, 9013, 9017, 9018, 9019, 9020, 9021, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9038, 9039, 9040, 9041, 9049, 9050 and 9051.~~

~~14. In census tract 006102, blocks 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3010.]~~

1. Census tracts 003605, 003606, 003607, 003608 and 004703.

2. Census voting districts 2004, 2083, 2140, 2142, 3131 and 3136.

3. In census tract 003603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1052, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1073, 1074, 2000, 2001, 2002 and 2003.

4. In census tract 003604, blocks 1008, 1009, 1010, 1011 and 1012.

5. In census tract 003610, blocks 1000, 1001, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 4000, 4001, 4007, 4008, 4009, 4010, 4011 and 4012.

6. In census tract 003611, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2017, 2018, 2019, 2020 and 2021.

7. In census tract 003615, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003 and 2004.

8. In census tract 004600, blocks 3000, 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3016, 3017, 3018 and 3019.

9. In census tract 004712, blocks 1000, 1001, 1002, 2000, 2001, 2002, 3000, 3001, 3002, 3003, 3004, 3005 and 3006.

10. In census tract 004715, blocks 1000, 1004, 1005 and 1012.

11. In census tract 005817, blocks 1000 and 1163.

12. In census tract 005818, blocks 1000, 1050, 1051 and 1052.

13. In census tract 005902, blocks 1108, 1109, 1110, 1111, 1112, 1118, 1134, 1135, 1136, 1152, 1154, 1155, 1156, 1157, 1158, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1223, 1224, 1225, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238,

1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250 and 1251.

14. In census tract 006000, blocks 9001, 9002, 9003, 9004, 9007, 9009, 9011, 9012, 9013, 9017, 9018, 9019, 9020, 9021, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9038, 9039, 9040, 9041, 9049, 9050 and 9051.

15. In census tract 006102, blocks 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3010.

Sec. 19. NRS 218.0665 is hereby amended to read as follows:

218.0665 Assembly District 18 consists of, in Clark County:

~~[1. Census tracts 001715, 001716, 001718, 002808, 002817, 002818, 002822, 002826, 002827, 005005, 005006, 005007, 005008, 005011 and 005012.~~

~~2. Census voting districts 7042, 7052, 7053, 7054 and 7094.~~

~~3. In census tract 005009, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057 and 1058.~~

~~4. In census tract 005010, blocks 1021 and 1031.~~

~~5. In census tract 005411, blocks 1021, 1022 and 1023.~~

~~6. In census tract 006101, block 2027.]~~

1. Census tracts 001715, 001716, 001718, 002808, 002817, 002818, 002822, 002826, 002827, 005005, 005006, 005007, 005008, 005011 and 005012.

2. Census voting districts 7042, 7052, 7053 and 7094.

3. In census tract 005009, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057 and 1058.

4. In census tract 005010, blocks 1021 and 1031.

5. In census tract 005105, block 1000.

6. In census tract 005411, block 1022.

7. In census tract 006101, block 2027.

Sec. 20. NRS 218.069 is hereby amended to read as follows:

218.069 Assembly District 22 consists of, in Clark County:

~~[1. Census tracts 002957, 002960, 005322, 005331, 005332, 005339, 005341 and 005345.~~

~~2. Census voting districts 1078 and 1093.~~

~~3. In census tract 002815, blocks 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009,~~

~~2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030 and 2031.~~

~~4. In census tract 002816, blocks 1000, 1001, 1002, 1003, 1004, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1037.~~

~~5. In census tract 002961, blocks 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026 and 1027.~~

~~6. In census tract 002962, blocks 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1067, 1088, 1089, 1090, 1091 and 1092.~~

~~7. In census tract 002963, blocks 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1039, 1040, 1052, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1084, 1085, 1086, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116 and 1117.~~

~~8. In census tract 005319, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014.~~

~~9. In census tract 005335, blocks 2000, 2001, 2002, 2003, 2005, 2006, 2012, 2013, 2018, 2019, 2024, 2025, 2030, 2031, 2035, 2036, 2038, 2039, 2040, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 4006, 4007, 4008, 4009, 4010, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028 and 4029.~~

~~10. In census tract 005431, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3000, 3001, 3002, 3003, 3004, 4004 and 4006.~~

~~11. In census tract 005501, block 1008.~~

~~12. In census tract 005703, block 1496.~~

~~13. In census tract 005710, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1020, 1021, 1025, 1026, 1027, 1028, 1031, 1037, 1038, 1039, 1051, 1052, 1053, 1055, 1056, 1057, 1061, 1062, 1063, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144.~~

~~14. In census tract 005816, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069,~~

~~1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1523 and 1524.~~

~~15. In census tract 005821, blocks 1015, 1016, 1017, 1018, 1019, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057.~~]

1. Census tracts 002957, 002960, 005322, 005331, 005332, 005339, 005341 and 005345.

2. Census voting districts 1078 and 1093.

3. In census tract 002815, blocks 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030 and 2031.

4. In census tract 002816, blocks 1000, 1001, 1002, 1003, 1004, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1037.

5. In census tract 002961, blocks 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026 and 1027.

6. In census tract 002962, blocks 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1067, 1068, 1088, 1089, 1090, 1091 and 1092.

7. In census tract 002963, blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1039, 1040, 1052, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1084, 1085, 1086, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116 and 1117.

8. In census tract 005319, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014.

9. In census tract 005335, blocks 2000, 2001, 2002, 2003, 2005, 2006, 2012, 2013, 2018, 2019, 2024, 2025, 2030, 2031, 2035, 2036, 2038, 2039, 2040, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 4006, 4007, 4008, 4009, 4010, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028 and 4029.

10. In census tract 005431, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017,

2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3000, 3001, 3002, 3003, 3004, 4004 and 4006.

11. In census tract 005501, block 1008.

12. In census tract 005703, block 1496.

13. In census tract 005710, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1020, 1021, 1025, 1026, 1027, 1028, 1031, 1037, 1038, 1039, 1051, 1052, 1053, 1055, 1056, 1057, 1061, 1062, 1063, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144.

14. In census tract 005816, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1523 and 1524.

15. In census tract 005821, blocks 1015, 1016, 1017, 1018, 1019, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057.

Sec. 21. NRS 218.0693 is hereby amended to read as follows:

218.0693 Assembly District 23 consists of, in Clark County:

~~[1. Census tracts 005200, 005336, 005342, 005343, 005421, 005422, 005423 and 005432.~~

~~2. Census voting districts 1052, 1092, 1098, 7005, 7006, 7007, 7013, 7014, 7015 and 7016.~~

~~3. In census tract 005105, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2038, 2039, 2040, 2042, 2043, 2044, 2045, 2046 and 2047.~~

~~4. In census tract 005334, blocks 2012 and 2013.~~

~~5. In census tract 005335, blocks 4000, 4001, 4002, 4003, 4004, 4005 and 4011.~~

~~6. In census tract 005431, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037 and 3038.~~

~~7. In census tract 005433, blocks 1004, 1005, 1006, 1007, 1026 and 1027.~~]

1. Census tracts 005200, 005336, 005342, 005343, 005421, 005422, 005423 and 005432.

2. Census voting districts 1052, 1092, 1098, 7005, 7006, 7007, 7013, 7014, 7015 and 7016.

3. In census tract 005105, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2017, 2038, 2039, 2040, 2042, 2043, 2044, 2045, 2046 and 2047.

4. In census tract 005334, blocks 2012 and 2013.

5. In census tract 005335, blocks 4000, 4001, 4002, 4003, 4004, 4005 and 4011.

6. In census tract 005411, blocks 1021 and 1023.

7. In census tract 005431, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037 and 3038.

8. In census tract 005433, blocks 1004, 1005, 1006, 1007, 1026 and 1027.

Sec. 22. NRS 218.0695 is hereby amended to read as follows:

218.0695 Assembly District 24 consists of, in Washoe County:

~~[1. Census tracts 001300 and 002406.~~

~~2. Census voting districts 400, 401, 402, 404, 410, 411, 419, 421, 423, 424, 426, 428, 443, 444, 446, 450, 458, 501, 505, 508, 510, 531, 741, 748, 751, 752, 859 and 916.~~

~~3. In census tract 001500, blocks 1000, 1001 and 2002.~~

~~4. In census tract 001700, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1026, 2000, 2001 and 2002.~~

~~5. In census tract 002401, blocks 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018.~~

~~6. In census tract 002500, blocks 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3025 and 3026.~~

~~7. In census tract 002604, blocks 6000, 6001, 6002, 6006, 6007, 6008, 6011, 6012, 6023, 6024, 6025 and 6026.~~

~~8. In census tract 002605, blocks 3000, 3001, 3002, 3003, 3004, 3010, 3011, 3012, 3013, 3014, 3015 and 4004.~~

~~9. In census tract 002606, blocks 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1029, 1030, 1034, 1035, 1036, 1037, 1060, 2001, 2010, 2011 and 2012.~~

~~10. In census tract 002609, blocks 1016, 1018, 1021, 1027, 1029, 1030, 1031, 1036 and 1038.~~

~~11. In census tract 002702, block 3030.~~]

1. Census tracts 001300 and 002406.

2. Census voting districts 0400, 0401, 0402, 0404, 0410, 0411, 0419, 0421, 0423, 0424, 0426, 0428, 0443, 0444, 0446, 0450, 0458, 0501, 0505, 0508, 0510, 0531, 0741, 0748, 0751, 0752 and 0916.

3. In census tract 001500, blocks 1000, 1001 and 2002.

4. In census tract 001700, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1026, 2000, 2001 and 2002.

5. In census tract 002401, blocks 1000, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018.

6. In census tract 002500, blocks 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3025 and 3026.

7. In census tract 002604, blocks 5022, 6000, 6001, 6002, 6006, 6007, 6008, 6011, 6012, 6023, 6024, 6025 and 6026.

8. In census tract 002605, blocks 3000, 3001, 3002, 3003, 3004, 3010, 3011, 3012, 3013, 3014, 3015 and 4004.

9. In census tract 002606, blocks 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1033, 1034, 1035, 1036, 1037, 1060, 1061, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.

10. In census tract 002609, blocks 1016, 1018, 1019, 1021, 1027, 1029, 1030, 1031, 1036 and 1038.

11. In census tract 002702, block 3030.

Sec. 23. NRS 218.0705 is hereby amended to read as follows:

218.0705 Assembly District 25 consists of, in Washoe County:

~~[1. Census tracts 002104, 002105, 002106, 002202 and 002205.~~

~~2. Census voting districts 107, 112, 117, 120, 122, 123, 125, 141, 142, 143, 222, 230, 231, 232, 233, 234, 235, 254, 306, 307, 333, 340, 342, 343, 345, 353, 702, 731, 779, 787, 790, 798, 803, 879 and 938.~~

~~3. In census tract 001003, blocks 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 5017 and 6038.~~

~~4. In census tract 001006, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2014, 2016, 2018, 2055, 3012, 3014, 3015, 3027, 3028, 3029, 3030, 3031, 3032, 3034, 3040, 4000, 4001, 4002, 4003, 4004 and 4005.~~

~~5. In census tract 001007, blocks 2001, 2002, 2003, 2004, 2005, 2014, 2015, 2016, 2017, 2020, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038, 3039, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055 and 3056.~~

~~6. In census tract 001104, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2027, 2028, 2029 and 2030.~~

~~7. In census tract 001200, blocks 1001, 1006, 1012 and 1013.~~

~~8. In census tract 002103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2006, 2012, 2013, 2014, 2015, 2016 and 2022.~~

~~9. Census tract 002204, blocks 2000, 2001, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2024, 3000, 3016 and 3017.]~~

1. Census tracts 002104, 002105, 002106, 002202 and 002205.

2. Census voting districts 0107, 0112, 0117, 0120, 0122, 0123, 0125, 0141, 0142, 0143, 0144, 0222, 0230, 0231, 0232, 0234, 0235, 0254, 0306, 0307, 0333, 0340, 0342, 0343, 0345, 0353, 0702, 0731, 0779, 0787, 0790, 0798, 0803, 0879 and 0938.

3. In census tract 001003, blocks 2011, 2012, 2014, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2033, 2034, 3000, 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 5017 and 6038.

4. In census tract 001005, block 1020.

5. In census tract 001006, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2014, 2016, 2018, 2055, 3012, 3014, 3015, 3027, 3028, 3029, 3030, 3031, 3032, 3034, 3040, 4000, 4001, 4002, 4003, 4004 and 4005.

6. In census tract 001007, blocks 2001, 2002, 2003, 2004, 2005, 2014, 2015, 2016, 2017, 2020, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038, 3039, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055 and 3056.

7. In census tract 001104, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2027, 2028, 2029 and 2030.

8. In census tract 001200, blocks 1001, 1006, 1012 and 1013.

9. In census tract 002103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2006, 2012, 2013, 2014, 2015, 2016 and 2022.

10. In census tract 002204, blocks 2000, 2001, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2024, 3000, 3016 and 3017.

Sec. 24. NRS 218.0715 is hereby amended to read as follows:

218.0715 Assembly District 26 consists of, in Washoe County:

~~[1. Census tracts 002300, 002402 and 002607.~~

~~2. Census voting districts 118, 124, 134, 433, 532, 705, 722, 724, 729, 732, 771, 814, 825, 844, 847, 868, 901, 902, 913, 922, 929, 932, 933 and 935.~~

~~3. In census tract 001003, block 3006.~~

~~4. In census tract 001006, blocks 2015, 2017, 2022, 2023, 2026, 2033, 2034, 2035, 2056, 2057, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2083, 2084, 2085, 2086, 2087, 2088, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121 and 2999.~~

~~5. In census tract 001104, blocks 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 4008, 4009, 4010, 4011, 6000, 6001, 6002, 6003, 6004 and 6006.~~

~~6. In census tract 002603, blocks 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1019, 1020, 1021, 1022, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1039.~~

~~7. In census tract 002605, blocks 2004, 2005, 2024, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041 and 2042.~~

~~8. In census tract 002606, blocks 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028.~~

~~9. In census tract 002609, blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1028, 1032, 1041, 1042, 1043, 1044, 2006, 2031, 2037, 2038, 2040, 2041 and 2999.~~

~~10. In census tract 003201, blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1071, 3000 and 3023.~~

~~11. In census tract 003202, blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 3026, 3027, 3028, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4010, 4013, 4015, 4016, 4017, 4018 and 5000.~~

~~12. In census tract 003302, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012 and 1018.~~

~~13. In census tract 003304, blocks 3003, 3004, 3005, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028 and 3029.~~]

1. Census tracts 002402 and 002607.

2. Census voting districts 0118, 0124, 0134, 0145, 0148, 0433, 0532, 0540, 0705, 0722, 0724, 0729, 0732, 0764, 0771, 0797, 0813, 0814, 0825, 0844, 0847, 0868, 0901, 0902, 0922, 0929, 0932, 0933 and 0935.

3. In census tract 001003, block 3006.

4. In census tract 001006, blocks 2015, 2017, 2022, 2023, 2026, 2033, 2034, 2035, 2056, 2057, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2083, 2084, 2085, 2086, 2087 and 2088.

5. In census tract 001104, blocks 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 4008, 4009, 4010, 4011, 6000, 6001, 6002, 6003, 6004 and 6006.

6. In census tract 002300, blocks 1000, 1001, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2007, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2102, 2103 and 2104.

7. In census tract 002401, block 1002.

8. In census tract 002603, blocks 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1019, 1020, 1021, 1022, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1039.

9. In census tract 002605, blocks 2004, 2005, 2024, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041 and 2042.

10. In census tract 002606, blocks 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028.

11. In census tract 002609, blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1020, 1022, 1023, 1024, 1025, 1026, 1028, 1032, 1041, 1042, 1043, 1044, 2006, 2031, 2037, 2038, 2040, 2041 and 2999.

12. In census tract 003201, blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1071, 3000 and 3023.

13. In census tract 003202, blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 3026, 3027, 3028, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4010, 4013, 4015, 4016, 4017, 4018 and 5000.

14. In census tract 003302, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012 and 1018.

15. In census tract 003304, blocks 3003, 3004, 3005, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028 and 3029.

Sec. 25. NRS 218.072 is hereby amended to read as follows:

218.072 Assembly District 27 consists of, in Washoe County:

~~[1. Census tracts 000300, 000900 and 001004.~~

~~2. Census voting districts 101, 103, 105, 109, 110, 126, 132, 135, 140, 210, 223, 243, 323, 326, 335, 348, 457, 757 and 761.~~

~~3. In census tract 000100, blocks 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037 and 5048.~~

~~4. In census tract 000200, blocks 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2012, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4010, 4011, 4030, 4031 and 4034.~~

~~5. In census tract 000400, blocks 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 3028 and 3030.~~

~~6. In census tract 001003, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2001, 2016, 2017 and 2018.~~

~~7. In census tract 001005, blocks 1014, 1015, 1016, 1017 and 1018.~~

~~8. In census tract 001500, block 4014.~~

~~9. In census tract 002203, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 5000.]~~

1. Census tracts 000300, 000900 and 001004.

2. Census voting districts 0101, 0103, 0105, 0109, 0110, 0126, 0132, 0135, 0140, 0210, 0223, 0243, 0323, 0326, 0335, 0348, 0457, 0757 and 0761.

3. In census tract 000100, blocks 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037 and 5048.

4. In census tract 000200, blocks 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2012, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4010, 4011, 4030, 4031 and 4034.

5. In census tract 000400, blocks 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 3028 and 3030.

6. In census tract 001003, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2001, 2013, 2015, 2016, 2017, 2018 and 2019.

7. In census tract 001005, blocks 1014, 1015, 1016, 1017 and 1018.

8. In census tract 001500, block 4014.

9. In census tract 002203, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 5000.

Sec. 26. NRS 218.073 is hereby amended to read as follows:

218.073 Assembly District 30 consists of, in Washoe County:

~~[1. Census tracts 002801 and 002802.~~

~~2. Census voting districts 405, 425, 432, 440, 453, 621, 623, 624, 656, 708, 725, 735, 760, 800, 802, 827, 841, 850, 851, 852, 882, 883, 888 and 889.~~

~~3. In census tract 001700, blocks 1000, 1024, 1025, 5000, 5001, 5002, 5012, 5013 and 5014.~~

~~4. In census tract 001800, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010 and 5011.~~

~~5. In census tract 001901, blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 2033.~~

~~6. In census tract 001902, blocks 1000, 1001, 2000, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 4000, 4001, 4002, 4003, 4004, 4005 and 4006.~~

~~7. In census tract 002604, blocks 3025, 3031, 4000, 4013, 4014, 4015, 4018, 4019, 4020, 5013, 5014, 5015, 5016, 5020, 5021, 5036, 5037, 5038, 5039, 5045, 5048, 5049, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5068, 5071, 5076, 5077, 5078 and 6005.~~

~~8. In census tract 002605, blocks 4021, 4022, 4027, 4028, 4031, 4032 and 4033.~~

~~9. In census tract 002701, blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1038, 1039, 1040, 1041, 1044, 1045, 2003, 2004, 2005, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 3000, 3003, 3004, 3005, 3006, 3007, 3011, 3012, 3016, 3017, 5002, 5008 and 5010.~~

~~10. In census tract 002702, blocks 1014, 3016, 3017, 3018, 3021, 3022, 3027, 3028, 3031, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4018.~~

~~11. In census tract 002901, blocks 1006, 1007, 1013, 1014, 1015, 2000, 2001, 2002, 2003 and 2004.]~~

1. Census tracts 002801 and 002802.

2. Census voting districts 0405, 0425, 0432, 0440, 0453, 0621, 0623, 0624, 0656, 0708, 0725, 0735, 0760, 0800, 0802, 0827, 0841, 0850, 0851, 0852, 0882, 0883, 0888 and 0889.

3. In census tract 001700, blocks 1000, 1024, 1025, 5000, 5001, 5002, 5012, 5013 and 5014.

4. In census tract 001800, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010 and 5011.

5. In census tract 001901, blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 2033.

6. In census tract 001902, blocks 1000, 1001, 2000, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 4000, 4001, 4002, 4003, 4004, 4005 and 4006.

7. In census tract 002604, blocks 3025, 3031, 4000, 4013, 4014, 4015, 4018, 4019, 4020, 5013, 5014, 5015, 5016, 5020, 5021, 5028, 5036, 5037, 5038, 5039, 5045, 5048, 5049, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5068, 5071, 5076, 5077, 5078 and 6005.

8. In census tract 002605, blocks 4009, 4019, 4021, 4022, 4027, 4028, 4031, 4032 and 4033.

9. In census tract 002606, block 1032.

10. In census tract 002701, blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1038, 1039, 1040, 1041, 1044, 1045, 2003, 2004, 2005, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 3000, 3003, 3004, 3005, 3006, 3007, 3011, 3012, 3016, 3017, 5002, 5008 and 5010.

11. In census tract 002702, blocks 1014, 3016, 3017, 3018, 3021, 3022, 3027, 3028, 3031, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4018.

12. In census tract 002901, blocks 1006, 1007, 1013, 1014, 1015, 2000, 2001, 2002, 2003 and 2004.

Sec. 27. NRS 218.074 is hereby amended to read as follows:

218.074 Assembly District 32 consists of:

~~[1. In Humboldt County:~~

~~(a) Census voting districts 0005, 0055 and 0060.~~

~~(b) In census tract 010500, blocks 3043, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3086, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3122, 3170, 3171, 3172, 3173, 3174, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3200, 3201, 3202, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3430, 3436, 3437, 3438, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634,~~

~~3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3690, 3691, 3692, 3693, 3694, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3721, 3722, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3789, 3790, 3791, 3792, 3793, 3794, 3795, 3796, 3797, 3798, 3799, 3800, 3801, 3802, 3803, 3822, 3823, 3824, 3825, 3845, 3846, 3847, 3848, 3849, 3850, 3851, 3852, 3853, 3854, 3855, 3856, 3857, 3858, 3859, 3884, 3885, 3886, 3887, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897, 3898, 3899, 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3908, 3909, 3910, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3918, 3919, 3920, 3921, 3922, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948, 3949, 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, 3976, 3977, 3978, 3979, 3980, 3981, 3982, 3983, 3984, 3985, 3986, 3987, 3988, 3989, 3990, 3991, 3992, 3993, 3997, 3998, 3999, 4009, 4029, 4030, 4031, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4119, 4166, 4167, 4220, 4221 and 4223.~~

~~(c) In census tract 010600, blocks 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1238, 1239, 1240, 1241, 1242, 1243, 1328, 1334, 1335, 1336, 1337, 1344, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579,~~

~~1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1634, 1635, 1636, 1637, 1638, 1639, 1654, 1655, 1656, 1657, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1725, 1726, 1727, 1728, 1729, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1947, 1948, 1949 and 1999.~~

~~2. In Lander County:~~

~~(a) Census voting districts 0005 and 0010.~~

~~(b) In census tract 000200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1049, 1050, 1051, 1052, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1074, 1075, 1076, 1077, 1082, 1085, 1174, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3017, 3020, 3021, 3022, 3023 and 3024.~~

~~3. In Washoe County:~~

~~(a) Census tracts 003503, 003504, 003505 and 003507.~~

~~(b) Census voting districts 637, 640, 643, 657, 670, 693, 714, 774, 801, 811, 832, 836, 862, 865, 884, 892, 893, 897, 908, 909, 918 and 924.~~

~~(c) In census tract 002603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1016, 1017, 1023, 1024, 1028, 1037 and 1038.~~

~~(d) In census tract 002604, blocks 1020, 1021, 1022, 1024, 3000, 3001, 3002, 3003, 3032, 3033, 3034, 3035, 3036, 3037, 4016, 4017, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5028, 5029, 5030, 5031, 5032 and 5033.~~

~~(e) In census tract 002605, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025, 2026, 3005, 3006, 3007, 3008, 3009, 4001, 4002, 4006, 4007, 4008, 4009, 4019 and 4020.~~

~~(f) In census tract 002606, block 1000.~~

~~(g) In census tract 002701, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1019, 1032, 1033, 1034, 1046, 2000, 2001, 2002, 2006, 2007, 2008, 2009, 2010, 2011 and 2023.~~

~~(h) In census tract 002901, block 1009.~~

~~(i) In census tract 003101, blocks 2000, 2001 and 2004.~~

~~(j) In census tract 003105, blocks 1006, 1007 and 1008.~~

~~(k) In census tract 003107, blocks 3001, 3002, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3016 and 4001.~~

~~(l) In census tract 003108, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 1012, 1013, 1014, 1015, 1016, 1017, 1021, 2002, 2011, 2012, 2014, 2015, 2016 and 2017.~~

~~(m) In census tract 003501, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1412, 1413, 1414, 1415, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1625, 1626, 1627, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707,~~

~~1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2017, 2018, 4034, 4035, 4039, 4041, 4075, 4076, 4079, 4080, 4081, 4082, 4083, 4084, 4087, 4088, 4089, 4090, 4091, 4094, 4099, 4100, 4104, 4105, 4106, 4107, 4108, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4148, 4149, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4176, 4178, 4179, 4180, 4181, 4193, 4194, 4196, 4197, 4274, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4326, 4327, 4328, 5101, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021 and 6022.~~

~~(n) In census tract 003502, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3998 and 3999.~~

~~(o) In census tract 003506, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023, 1024 and 1032.~~]

1. In Humboldt County:

(a) Census voting districts 0005, 0055 and 0060.

(b) In census tract 010500, blocks 3043, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3086, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3122, 3170, 3171, 3172, 3173, 3174, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3200, 3201, 3202, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247,

3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3430, 3436, 3437, 3438, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3690, 3691, 3692, 3693, 3694, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3721, 3722, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3789, 3790, 3791, 3792, 3793, 3794, 3795, 3796, 3797, 3798, 3799, 3800, 3801, 3802, 3803, 3822, 3823, 3824, 3825, 3845, 3846, 3847, 3848, 3849, 3850, 3851, 3852, 3853, 3854, 3855, 3856, 3857, 3858, 3859, 3884, 3885, 3886, 3887, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897, 3898, 3899, 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3908, 3909, 3910, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3918, 3919, 3920, 3921,

3922, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948, 3949, 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, 3976, 3977, 3978, 3979, 3980, 3981, 3982, 3983, 3984, 3985, 3986, 3987, 3988, 3989, 3990, 3991, 3992, 3993, 3997, 3998, 3999, 4009, 4029, 4030, 4031, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4119, 4166, 4167, 4220, 4221 and 4223.

(c) In census tract 010600, blocks 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1238, 1239, 1240, 1241, 1242, 1243, 1328, 1334, 1335, 1336, 1337, 1344, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1634, 1635, 1636, 1637, 1638, 1639, 1654, 1655, 1656, 1657, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1725, 1726, 1727, 1728, 1729, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1947, 1948, 1949 and 1999.

2. In Lander County:

(a) Census voting districts 0005 and 0010.

(b) In census tract 000200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1049, 1050, 1051, 1052, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1074, 1075, 1076, 1077, 1082, 1085, 1174, 2000, 2001, 2002, 2003,

2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3017, 3020, 3021, 3022, 3023 and 3024.

3. In Washoe County:

(a) Census tracts 003503, 003504, 003505 and 003507.

(b) Census voting districts 0637, 0640, 0643, 0657, 0670, 0693, 0714, 0774, 0801, 0811, 0832, 0836, 0862, 0865, 0884, 0892, 0893, 0897, 0908, 0909, 0918 and 0924.

(c) In census tract 002603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1016, 1017, 1023, 1024, 1028, 1037 and 1038.

(d) In census tract 002604, blocks 1020, 1021, 1022, 1024, 3000, 3001, 3002, 3003, 3032, 3033, 3034, 3035, 3036, 3037, 4016, 4017, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5029, 5030, 5031, 5032 and 5033.

(e) In census tract 002605, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025, 2026, 3005, 3006, 3007, 3008, 3009, 4001, 4002, 4006, 4007, 4008 and 4020.

(f) In census tract 002606, block 1000.

(g) In census tract 002701, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1019, 1032, 1033, 1034, 1046, 2000, 2001, 2002, 2006, 2007, 2008, 2009, 2010, 2011 and 2023.

(h) In census tract 002901, block 1009.

(i) In census tract 003101, blocks 2000, 2001 and 2004.

(j) In census tract 003105, blocks 1006, 1007 and 1008.

(k) In census tract 003107, blocks 3001, 3002, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3016 and 4001.

(l) In census tract 003108, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 1012, 1013, 1014, 1015, 1016, 1017, 1021, 2002, 2011, 2012, 2014, 2015, 2016 and 2017.

(m) In census tract 003501, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101,

1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1412, 1413, 1414, 1415, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1625, 1626, 1627, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2017, 2018, 4034, 4035, 4039, 4041, 4075, 4076, 4079, 4080, 4081, 4082, 4083, 4084, 4087, 4088, 4089, 4090, 4091, 4094, 4099, 4100, 4104, 4105, 4106, 4107, 4108, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4148, 4149, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4176, 4178, 4179, 4180, 4181, 4193, 4194, 4196, 4197, 4274, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4326, 4327, 4328, 5101, 6000, 6001, 6002,

6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021 and 6022.

(n) In census tract 003502, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3998 and 3999.

(o) In census tract 003506, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023, 1024 and 1032.

Sec. 28. NRS 218.0755 is hereby amended to read as follows:

218.0755 Assembly District 34 consists of, in Clark County:

~~[1. Census tracts 000102, 003003, 003004, 003102 and 003220.~~

~~2. Census voting districts 3045, 3046, 3070, 3088, 3104, 3109 and 3110.~~

~~3. In census tract 000101, blocks 1000, 1001, 1002, 1003, 1004, 3001, 3008 and 3009.~~

~~4. In census tract 000105, blocks 1000 and 1001.~~

~~5. In census tract 003001, block 1001.~~

~~6. In census tract 003101, blocks 3002 and 4000.~~

~~7. In census tract 003212, blocks 2000, 2001, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 6000, 6001 and 6002.~~

~~8. In census tract 003224, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 3001 and 3002.~~

~~9. In census tract 003423, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 5001, 5002, 5003, 5006, 5007 and 5008.~~

~~10. In census tract 003424, block 5014.]~~

1. Census tracts 000102, 003003, 003004, 003102 and 003220.

2. Census voting districts 3045, 3046, 3070, 3088, 3104, 3109 and 3110.

3. In census tract 000101, blocks 1000, 1001, 1002, 1003, 1004, 3001, 3008 and 3009.

4. In census tract 000105, blocks 1000 and 1001.

5. In census tract 003001, block 1001.

6. In census tract 003101, blocks 3002 and 4000.

7. In census tract 003212, blocks 2000, 2001, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 6000, 6001 and 6002.

8. In census tract 003224, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 3001 and 3002.

9. In census tract 003422, block 1004.

10. In census tract 003423, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 5001, 5002, 5003, 5006, 5007 and 5008.

11. In census tract 003424, block 5014.

Sec. 29. NRS 218.077 is hereby amended to read as follows:

218.077 Assembly District 37 consists of, in Clark County:

~~[1. Census tracts 003209, 003408, 003411, 003418, 003419 and 003421.~~

~~2. Census voting districts 2048, 2103, 3029, 3050 and 3075.~~

~~3. In census tract 003101, blocks 2000, 2002, 2003, 2004, 2005, 4001, 4002, 4007, 4008, 4009 and 4010.~~

~~4. In census tract 003207, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 5000, 5001, 5002, 5003, 5004, 5013 and 5014.~~

~~5. In census tract 003208, blocks 1021, 1022, 1023, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2016, 2017, 2018, 2019 and 2020.~~

~~6. In census tract 003409, blocks 1010, 1012, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020.~~

~~7. In census tract 003412, blocks 3002, 3003, 3004 and 3005.~~

~~8. In census tract 003415, blocks 1000, 1001, 2002 and 2003.~~

~~9. In census tract 003422, block 1004.]~~

1. Census tracts 003209, 003408, 003411, 003418, 003419 and 003421.

2. Census voting districts 2048, 2103, 3029, 3050 and 3075.

3. In census tract 003101, blocks 2000, 2002, 2003, 2004, 2005, 4001, 4002, 4007, 4008, 4009 and 4010.

4. In census tract 003207, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 5000, 5001, 5002, 5003, 5004, 5013 and 5014.

5. In census tract 003208, blocks 1021, 1022, 1023, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2016, 2017, 2018, 2019 and 2020.

6. In census tract 003409, blocks 1010, 1012, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020.

7. In census tract 003412, blocks 3002, 3003, 3004 and 3005.

8. In census tract 003415, blocks 1000, 1001, 2002 and 2003.

Sec. 30. NRS 218.079 is hereby amended to read as follows:

218.079 Assembly District 41 consists of, in Clark County:

~~[1. Census tracts 002406, 002506, 002602, 002603, 002829 and 002833.~~

~~2. Census voting districts 5072, 7064, 7067, 7070, 7079, 7080 and 7088.~~

~~3. In census tract 002403, blocks 1001, 1002, 1003 and 1004.~~

~~4. In census tract 002405, blocks 1000, 1003, 1004 and 1005.~~

~~5. In census tract 002501, blocks 3004, 3005, 3006, 3007 and 3008.~~

~~6. In census tract 002505, blocks 1001, 1002, 1004, 1005, 2000, 2001, 2002 and 2003.~~

~~7. In census tract 002702, blocks 1000, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 3009 and 3011.~~

~~8. In census tract 002807, blocks 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 3000, 3001, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029 and 3030.~~

~~9. In census tract 002809, blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3020, 3021, 3022, 3023, 3024, 3025 and 3026.~~

~~10. In census tract 002828, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033.~~

~~11. In census tract 002830, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1047.~~]

1. Census tracts 002406, 002506, 002602, 002603, 002829 and 002833.

2. Census voting districts 1057, 5072, 7064, 7067, 7070, 7079, 7080 and 7088.

3. In census tract 002403, blocks 1001, 1002, 1003 and 1004.

4. In census tract 002405, blocks 1000, 1003, 1004 and 1005.

5. In census tract 002501, blocks 3004, 3005, 3006, 3007 and 3008.

6. In census tract 002505, blocks 1001, 1002, 1004, 1005, 2000, 2001, 2002 and 2003.

7. In census tract 002702, blocks 1000, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 3009 and 3011.

8. In census tract 002807, blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 3000, 3001, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033 and 3034.

9. In census tract 002809, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1009, 1010, 1011, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021,

2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034 and 2035.

10. In census tract 002828, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033.

11. In census tract 002830, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1047.

Sec. 31. NRS 385.0235 is hereby amended to read as follows:

385.0235 District 3 consists of, in Clark County:

~~[1. Census tracts 101, 105, 201, 203, 301, 302, 900, 1004, 1005, 1006, 2201, 2203, 2204, 2205, 3424, 3425, 3500, 3602, 3605, 3607, 3610, 3611, 3613, 3614, 3615, 3700, 4703, 4712, 4714, 4715 and 4716.~~

~~2. Census voting districts 2004, 2006, 2056, 2083, 2112, 2140, 2142, 3119, 4022, 4038, 4060, 4066 and 6039.~~

~~3. In census tract 204, blocks 1000, 1003, 2001, 2002, 2013 and 2014.~~

~~4. In census tract 400, blocks 1008, 1010, 1011, 1012, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4014, 4015, 4016, 4017, 5000, 5001, 5005, 5006, 5007, 5008, 5009, 5010, 5011 and 5012.~~

~~5. In census tract 600, blocks 1004, 1005, 2008, 3002 and 3009.~~

~~6. In census tract 700, blocks 1000, 1012, 1013, 1014, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.~~

~~7. In census tract 800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~8. In census tract 1100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.~~

~~9. In census tract 1200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013 and 1015.~~

~~10. In census tract 2955, blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007 and 1013.~~

~~11. In census tract 3603, blocks 1003, 1004, 1005, 1006, 1007, 1022, 1023, 1024, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1052, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010,~~

~~2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~12. In census tract 3606, blocks 1003, 1004, 1005, 1006, 1007, 1014, 1015, 1016, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~13. In census tract 3608, blocks 1001, 1007, 1008, 1009, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012 and 3013.~~

~~14. In census tract 3800, blocks 1006, 1007, 2005, 2006, 2007, 3010, 3011 and 3012.~~

~~15. In census tract 4400, blocks 1007, 1017, 1018, 1019 and 2003.~~

~~16. In census tract 4500, blocks 1000, 1001, 1011, 2000, 2001, 2003, 2004, 3000, 3001, 3002, 3003, 3004, 3010, 3011 and 3012.~~

~~17. In census tract 4600, blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019.~~

~~18. In census tract 4711, blocks 1000, 1001 and 1002.~~

~~19. In census tract 4713, blocks 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2001, 2002 and 2003.~~

~~20. In census tract 6000, blocks 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9012, 9013, 9017, 9018, 9019, 9020, 9021, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9038, 9039, 9040, 9041, 9042, 9043, 9044, 9045, 9046, 9047, 9048, 9049, 9050, 9051, 9052, 9053 and 9054.~~

~~21. In census tract 6102, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 3028, 3029, 3030 and 3031.~~

~~22. In census tract 6201, blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006.~~

~~23. In census tract 6204, blocks 1000, 1013, 1014 and 1015.~~]

1. Census tracts 000101, 000105, 000201, 000203, 000301, 000302, 000800, 000900, 001004, 001005, 001006, 002203, 002204, 002205, 003424, 003425, 003500, 003602, 003605, 003607, 003610, 003611, 003613, 003614, 003615, 003700, 004703, 004712, 004714, 004715 and 004716.

2. Census voting districts 2004, 2006, 2056, 2083, 2112, 2140, 2142, 3119, 4022, 4038, 4060, 4066, 5014, 6028, 6029, 6030 and 6039.

3. In census tract 000204, blocks 1000 and 1003.

4. In census tract 000400, blocks 1008, 1010, 1011, 1012, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4014, 4015, 4016, 4017, 5000, 5001, 5005, 5006, 5007, 5008, 5009, 5010, 5011 and 5012.

5. In census tract 000600, blocks 1004, 1005, 2008, 3002 and 3009.

6. In census tract 000700, blocks 1000, 1012, 1013, 1014, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

7. In census tract 001100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.

8. In census tract 001200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013 and 1015.

9. In census tract 002201, blocks 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.

10. In census tract 002955, blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007 and 1013.

11. In census tract 003603, blocks 1003, 1004, 1005, 1006, 1007, 1022, 1023, 1024, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1052, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

12. In census tract 003606, blocks 1003, 1004, 1005, 1006, 1007, 1014, 1015, 1016, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

13. In census tract 003608, blocks 1001, 1007, 1008, 1009, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012 and 3013.

14. In census tract 003800, blocks 1006, 1007, 2005, 2006, 2007, 3010, 3011 and 3012.

15. In census tract 004400, blocks 1007, 1017, 1018, 1019 and 2003.

16. In census tract 004500, blocks 1000, 1001, 1011, 2000, 2001, 2003, 2004, 3000, 3001, 3002, 3003, 3004, 3010, 3011 and 3012.

17. In census tract 004600, blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019.

18. In census tract 004711, blocks 1000, 1001 and 1002.

19. In census tract 004713, blocks 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2001, 2002 and 2003.

20. In census tract 006000, blocks 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9012, 9013, 9017, 9018, 9019, 9020, 9021, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9038, 9039, 9040, 9041, 9042, 9043, 9044, 9045, 9046, 9047, 9048, 9049, 9050, 9051, 9052, 9053 and 9054.

21. In census tract 006102, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 3028, 3029, 3030 and 3031.

22. In census tract 006201, blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006.

23. In census tract 006204, blocks 1000, 1013, 1014 and 1015.

Sec. 32. NRS 385.024 is hereby amended to read as follows:

385.024 District 4 consists of, in Clark County:

~~[1. Census tracts 2808, 2809, 2810, 2811, 2814, 2815, 2816, 2821, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2960, 2963, 5101, 5102, 5103, 5104, 5106, 5107, 5108, 5109, 5311, 5312, 5313, 5314, 5315, 5316, 5317, 5318, 5319, 5320, 5321, 5322, 5331, 5332, 5333, 5334, 5337, 5338, 5702, 5704, 5705, 5816 and 940500.~~

~~2. Census voting districts 7089, 7091 and 7092.~~

~~3. In census tract 2702, block 1015.~~

~~4. In census tract 2709, block 1005.~~

~~5. In census tract 2807, blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 3000, 3001, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033 and 3034.~~

~~6. In census tract 2817, blocks 2013, 2014, 2015, 2016, 2017, 2018, 2020, 2021, 2022, 2023 and 2024.~~

~~7. In census tract 2818, block 3010.~~

~~8. In census tract 2827, blocks 2000 and 2001.~~

~~9. In census tract 2927, block 2000.~~

~~10. In census tract 2961, block 1025.~~

~~11. In census tract 2962, blocks 1067, 1068, 1069, 1070, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087 and 1092.~~

~~12. In census tract 5010, blocks 1030 and 1031.~~

~~13. In census tract 5105, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2041.~~

~~14. In census tract 5339, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.~~

~~15. In census tract 5703, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056,~~

~~1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998 and 1999.~~

~~16. In census tract 5710, blocks 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049,~~

~~1050, 1051, 1052, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144 and 1145.~~

~~17. In census tract 5810, blocks 1025, 1026, 1027, 1031, 1032 and 1033.~~

~~18. In census tract 5813, blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014.~~

~~19. In census tract 5817, blocks 1021, 1023, 1024, 1034, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147 and 1148.~~

~~20. In census tract 5819, blocks 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082 and 1083.~~

~~21. In census tract 5821, blocks 1006, 1007, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061 and 1062.]~~

1. Census tracts 002808, 002809, 002810, 002811, 002814, 002815, 002816, 002821, 002828, 002829, 002830, 002831, 002832, 002833, 002834, 002835, 002836, 002960, 002963, 005101, 005102, 005103, 005104, 005106, 005107, 005108, 005109, 005311, 005312, 005313, 005314, 005315, 005316, 005317, 005318, 005319, 005320, 005321, 005322, 005331, 005332, 005333, 005334, 005337, 005338, 005702, 005704, 005705, 005816 and 940500.

2. Census voting districts 7089, 7091 and 7092.

3. In census tract 002702, block 1015.

4. In census tract 002709, block 1005.

5. In census tract 002807, blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 3000, 3001, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033 and 3034.

6. In census tract 002827, blocks 2000 and 2001.

7. In census tract 002927, block 2000.

8. In census tract 002961, block 1025.

9. In census tract 002962, blocks 1067, 1068, 1069, 1070, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087 and 1092.

10. In census tract 005010, blocks 1030 and 1031.

11. In census tract 005105, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024,

1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2041.

12. In census tract 005339, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

13. In census tract 005703, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440,

1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998 and 1999.

14. In census tract 005710, blocks 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144 and 1145.

15. In census tract 005810, blocks 1025, 1026, 1027, 1031, 1032 and 1033.

16. In census tract 005813, blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014.

17. In census tract 005817, blocks 1021, 1023, 1024, 1034, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147 and 1148.

18. In census tract 005819, blocks 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082 and 1083.

19. In census tract 005821, blocks 1006, 1007, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061 and 1062.

Sec. 33. NRS 385.0245 is hereby amended to read as follows:

385.0245 District 5 consists of, in Clark County:

~~[1. Census tracts 503, 510, 511, 512, 513, 514, 516, 1300, 2000, 2403, 2404, 4000, 4100, 4200, 4300, 4707, 4708, 4709, 4710 and 4717.~~

~~2. Census voting districts 2018, 2020, 2021, 4011, 4014, 4043, 4046, 4052, 4069, 5001, 5006, 5007, 5048, 5052 and 5075.~~

~~3. In census tract 204, block 2000.~~

~~4. In census tract 400, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013 and 4013.~~

~~5. In census tract 504, blocks 1002, 1005, 1006, 2000, 2001, 2005, 2006, 2008, 2009 and 3007.~~

~~6. In census tract 515, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2006, 2007, 2008, 3003, 3004, 3005, 3006, 3007, 3008, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008 and 4009.~~

~~7. In census tract 517, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009.~~

~~8. In census tract 518, blocks 1004, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4001 and 4002.~~

~~9. In census tract 519, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.~~

~~10. In census tract 600, blocks 1002, 1003, 1006, 1008, 1009, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 3000, 3001, 3003, 3004, 3005, 3006, 3007 and 3008.~~

~~11. In census tract 700, block 1039.~~

~~12. In census tract 800, block 1014.~~

~~13. In census tract 1100, blocks 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008 and 4009.~~

~~14. In census tract 1200, blocks 1007, 1014, 1016, 1017, 1018, 1019, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017 and 3018.~~

~~15. In census tract 1400, blocks 1000, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 3000, 5002, 5003, 5008, 5009, 5010, 5011, 5012 and 5018.~~

~~16. In census tract 1500, blocks 1004, 1005, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2018.~~

~~17. In census tract 1609, blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011.~~

~~18. In census tract 1610, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008 and 1010.~~

~~19. In census tract 1611, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1038, 1039, 1040, 1042 and 1043.~~

~~20. In census tract 1901, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 2002, 2003, 2004, 2005, 2006 and 2007.~~

~~21. In census tract 1902, blocks 1001, 1002, 1003, 1007, 2000, 2001, 2002, 2003, 2005, 2006 and 2007.~~

~~22. In census tract 2300, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 3000, 3001, 3002, 3003 and 3004.~~

~~23. In census tract 2405, blocks 1001, 1002, 2000, 2001, 2002, 2003 and 2005.~~

~~24. In census tract 2406, block 1001.~~

~~25. In census tract 2501, block 1004.~~

~~26. In census tract 2602, blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006.~~

~~27. In census tract 3800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 4000, 4001, 4002, 4003, 4004 and 4009.~~

~~28. In census tract 4400, blocks 1005, 1006, 1008, 2002 and 4012.~~

~~29. In census tract 4500, blocks 1002, 1003, 1004, 1005, 2002, 2005, 2006, 2007, 2008, 3005, 3006, 3007, 3008, 3009, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020 and 3021.~~

~~30. In census tract 4600, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2013 and 2014.~~

~~31. In census tract 4711, blocks 1003, 1004, 1005, 1006, 1007, 1008 and 1009.~~

~~32. In census tract 4713, blocks 1002, 1003 and 1012.~~

~~33. In census tract 4916, block 1003.]~~

1. Census tracts 000503, 000510, 000511, 000512, 000513, 000514, 000516, 001300, 002000, 002403, 002404, 004000, 004100, 004200, 004300, 004707, 004708, 004709, 004710 and 004717.

2. Census voting districts 2018, 2020, 2021, 4011, 4014, 4043, 4046, 4052, 4069, 5001, 5006, 5007, 5048, 5052 and 5075.

3. In census tract 000204, blocks 2000, 2001, 2002, 2013 and 2014.

4. In census tract 000400, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013 and 4013.

5. In census tract 000504, blocks 1002, 1005, 1006, 2000, 2001, 2005, 2006, 2008, 2009 and 3007.

6. In census tract 000515, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2006, 2007, 2008, 3003, 3004, 3005, 3006, 3007, 3008, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008 and 4009.

7. In census tract 000517, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015,

2016, 2017, 2018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009.

8. In census tract 000518, blocks 1000, 1004, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4001 and 4002.

9. In census tract 000519, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.

10. In census tract 000600, blocks 1002, 1003, 1006, 1008, 1009, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 3000, 3001, 3003, 3004, 3005, 3006, 3007 and 3008.

11. In census tract 000700, block 1039.

12. In census tract 001100, blocks 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008 and 4009.

13. In census tract 001200, blocks 1007, 1014, 1016, 1017, 1018, 1019, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017 and 3018.

14. In census tract 001400, blocks 1000, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 3000, 5002, 5003, 5008, 5009, 5010, 5011, 5012 and 5018.

15. In census tract 001500, blocks 1004, 1005, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2018.

16. In census tract 001609, blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011.

17. In census tract 001610, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008 and 1010.

18. In census tract 001611, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1038, 1039, 1040, 1042 and 1043.

19. In census tract 001901, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 2002, 2003, 2004, 2005, 2006 and 2007.

20. In census tract 001902, blocks 1001, 1002, 1003, 1007, 2000, 2001, 2002, 2003, 2005, 2006 and 2007.

21. In census tract 002300, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 3000, 3001, 3002, 3003 and 3004.

22. In census tract 002405, blocks 1001, 1002, 2000, 2001, 2002, 2003 and 2005.

23. In census tract 002406, block 1001.

24. In census tract 002501, block 1004.

25. In census tract 002602, blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006.

26. In census tract 003800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 4000, 4001, 4002, 4003, 4004 and 4009.

27. In census tract 004400, blocks 1005, 1006, 1008, 2002 and 4012.

28. In census tract 004500, blocks 1002, 1003, 1004, 1005, 2002, 2005, 2006, 2007, 2008, 3005, 3006, 3007, 3008, 3009, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020 and 3021.

29. In census tract 004600, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2013 and 2014.

30. In census tract 004711, blocks 1003, 1004, 1005, 1006, 1007, 1008 and 1009.

31. In census tract 004713, blocks 1002, 1003 and 1012.

32. In census tract 004916, block 1003.

Sec. 34. NRS 385.025 is hereby amended to read as follows:

385.025 District 6 consists of, in Clark County:

~~[1. Census tracts 1606, 1607, 1608, 1612, 1613, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1801, 1803, 1804, 2504, 2505, 2506, 2601, 2603, 2706, 2707, 2708, 2822, 2823, 2824, 2825, 2826, 2912, 2925, 2935, 2936, 2942, 2946, 2948, 2949, 2956, 2958 and 5011.~~

~~2. Census voting districts 1040, 4045, 5003, 5021, 5065, 6040, 6064, 7064, 7076, 7079, 7080, 7087 and 7088.~~

~~3. In census tract 504, blocks 3000, 3001, 3002, 3003, 3004 and 3012.~~

~~4. In census tract 518, blocks 1000, 1001, 1002 and 1003.~~

~~5. In census tract 1400, blocks 1014 and 1015.~~

~~6. In census tract 1500, blocks 1000, 1001, 1003, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 2015, 2016 and 2017.~~

~~7. In census tract 1609, blocks 1003, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026.~~

~~8. In census tract 1610, blocks 1009, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.~~

~~9. In census tract 1611, blocks 1028, 1035, 1037, 1041, 1044, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2013 and 2014.~~

~~10. In census tract 1901, blocks 2000 and 2001.~~

~~11. In census tract 1902, blocks 1000, 1006, 2004, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~12. In census tract 2300, blocks 2010, 2011, 2013, 2014, 2015, 2016, 2017 and 2018.~~

~~13. In census tract 2405, blocks 1000, 1003, 1004, 1005 and 2004.~~

~~14. In census tract 2406, blocks 1000, 1002, 1003 and 1004.~~

~~15. In census tract 2501, blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 3004, 3005, 3006, 3007 and 3008.~~

~~16. In census tract 2602, block 2000.~~

~~17. In census tract 2702, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 3009, 3010 and 3011.~~

~~18. In census tract 2709, blocks 1000, 1001, 1002, 1003 and 1004.~~

~~19. In census tract 2807, blocks 3003, 3004 and 3005.~~

~~20. In census tract 2817, blocks 2000, 2001, 2002, 2003, 2004 and 2019.~~

~~21. In census tract 2818, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009.~~

~~22. In census tract 2827, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.~~

~~23. In census tract 2947, blocks 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030.~~

~~24. In census tract 2955, blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006.~~

~~25. In census tract 2961, blocks 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026 and 1027.~~

~~26. In census tract 2962, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1071, 1072, 1073, 1074, 1075, 1076, 1088, 1089, 1090 and 1091.~~]

1. Census tracts 001606, 001607, 001608, 001612, 001613, 001706, 001707, 001708, 001709, 001710, 001711, 001712, 001713, 001714, 001715, 001716, 001717, 001718, 001801, 001803, 001804, 002504, 002505, 002506, 002601, 002603, 002706, 002707, 002708, 002817, 002818, 002822, 002823, 002824, 002825, 002826, 002912, 002925, 002935, 002936, 002942, 002946, 002948, 002949, 002956, 002958 and 005011.

2. Census voting districts 1040, 4045, 5003, 5021, 5065, 6040, 6042, 6064, 7064, 7076, 7079, 7080 and 7088.

3. In census tract 000504, blocks 3000, 3001, 3002, 3003, 3004 and 3012.

4. In census tract 000518, blocks 1001, 1002 and 1003.

5. In census tract 001400, blocks 1014 and 1015.

6. In census tract 001500, blocks 1000, 1001, 1003, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 2015, 2016 and 2017.

7. In census tract 001609, blocks 1003, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026.

8. In census tract 001610, blocks 1009, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.

9. In census tract 001611, blocks 1028, 1035, 1037, 1041, 1044, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2013 and 2014.

10. In census tract 001901, blocks 2000 and 2001.

11. In census tract 001902, blocks 1000, 1006, 2004, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

12. In census tract 002300, blocks 2010, 2011, 2013, 2014, 2015, 2016, 2017 and 2018.

13. In census tract 002405, blocks 1000, 1003, 1004, 1005 and 2004.

14. In census tract 002406, blocks 1000, 1002, 1003 and 1004.

15. In census tract 002501, blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 3004, 3005, 3006, 3007 and 3008.

16. In census tract 002602, block 2000.

17. In census tract 002702, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 3009, 3010 and 3011.

18. In census tract 002709, blocks 1000, 1001, 1002, 1003 and 1004.

19. In census tract 002807, blocks 3003, 3004 and 3005.

20. In census tract 002827, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.

21. In census tract 002947, blocks 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030.

22. In census tract 002955, blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006.

23. In census tract 002961, blocks 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026 and 1027.

24. In census tract 002962, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1071, 1072, 1073, 1074, 1075, 1076, 1088, 1089, 1090 and 1091.

Sec. 35. NRS 385.0257 is hereby amended to read as follows:

385.0257 District 8 consists of, in Washoe County:

~~[1. Census tracts 300, 400, 1003, 1004, 1005, 1007, 1101, 1103, 1104, 1105, 1200, 1300, 1400, 1700, 1800, 1902, 2300, 2401, 2402, 2406, 2500, 2603, 2604, 2605, 2606, 2607, 2609, 2701, 2702, 2801, 2802, 3503 and 3504.~~

~~2. Census voting districts 134, 222, 254, 306, 307, 340, 342, 343, 345, 353, 400, 401, 411, 627, 710, 787, 798, 801, 814, 825 and 884.~~

~~3. In census tract 100, blocks 1004, 1005, 1022, 1023, 1024, 1025, 2010, 2011, 2012, 2013, 2014, 2015, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2061, 2062, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021 and 4022.~~

~~4. In census tract 1006, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2014, 2015, 2016, 2018, 2026, 2029, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2999, 3014, 3035, 3036, 3037, 3038, 3039, 3041, 3042, 3043, 3044, 3045, 3046, 3047 and 3048.~~

~~5. In census tract 1500, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3014, 4000, 4001, 4002, 4004, 4013, 4017, 4018, 4019, 4020 and 4021.~~

~~6. In census tract 1901, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033 and 2034.~~

~~7. In census tract 2902, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007 and 1008.~~

~~8. In census tract 3000, blocks 2008, 2009, 2010, 2011, 2012, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6025, 6026, 6027, 6028, 6029, 6030, 6031 and 6032.~~

~~9. In census tract 3501, blocks 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4147, 4148, 4149, 4153, 4154, 4155, 4156, 5034, 5064, 5077, 5078, 5082, 5083, 5088, 5089, 5090, 5091, 5092, 5093, 5094, 5095, 5096, 5097, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5120, 5121, 5122, 5123, 5124, 5125, 5126, 5127, 5128, 5129, 5130, 5131, 5132, 5133, 5134, 5135, 5136, 5137, 5138, 5139, 5140, 5141, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021 and 6022.]~~

1. Census tracts 000300, 000400, 001003, 001004, 001005, 001006, 001007, 001101, 001103, 001104, 001105, 001200, 001300, 001400, 001700, 001800, 001902, 002300, 002401, 002402, 002406, 002500, 002603, 002604, 002605, 002606, 002607, 002609, 002701, 002702, 002801, 002802, 003503 and 003504.

2. Census voting districts 0400, 0401, 0411, 0627, 0801 and 0884.

3. In census tract 000100, blocks 1004, 1005, 1022, 1023, 1024, 1025, 2010, 2011, 2012, 2013, 2014, 2015, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2061, 2062, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021 and 4022.

4. In census tract 001500, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3014, 4000, 4001, 4002, 4004, 4013, 4017, 4018, 4019, 4020 and 4021.

5. In census tract 001901, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033 and 2034.

6. In census tract 002902, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007 and 1008.

7. In census tract 003000, blocks 2008, 2009, 2010, 2011, 2012, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6025, 6026, 6027, 6028, 6029, 6030, 6031 and 6032.

8. In census tract 003501, blocks 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4147, 4148, 4149, 4153, 4154, 4155, 4156, 5034,

5064, 5077, 5078, 5082, 5083, 5088, 5089, 5090, 5091, 5092, 5093, 5094, 5095, 5096, 5097, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5120, 5121, 5122, 5123, 5124, 5125, 5126, 5127, 5128, 5129, 5130, 5131, 5132, 5133, 5134, 5135, 5136, 5137, 5138, 5139, 5140, 5141, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021 and 6022.

Sec. 36. NRS 385.026 is hereby amended to read as follows:

385.026 District 9 consists of:

~~[1. Carson City and Douglas County.~~

~~2. In Washoe County:~~

~~(a) Census tracts 200, 700, 900, 2101, 2104, 2105, 2106, 2202, 2203, 2204, 2205, 2901, 3105, 3106, 3108, 3201, 3202, 3302 and 3304.~~

~~(b) Census voting districts 101, 333, 413, 611, 632, 633, 637, 643, 644, 706, 779 and 879.~~

~~(c) In census tract 100, blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2043, 2044, 2045, 2059, 2060, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5019, 5020, 5021, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5051, 5052, 5053 and 5054.~~

~~(d) In census tract 1006, blocks 2123, 2124, 2125, 2126, 2127, 2128 and 2129.~~

~~(e) In census tract 1901, block 2035.~~

~~(f) In census tract 2103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2001, 2002, 2003, 2004, 2006, 2012, 2013, 2014, 2015, 2016, 2020, 2021 and 2022.~~

~~(g) In census tract 2902, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011 and 4012.~~

~~(h) In census tract 3000, blocks 1009, 2000, 2003, 2004, 2005, 2006, 2007, 3004, 3005, 3006, 3007, 3008, 3009, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 6000, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6033, 6034 and 6035.~~

~~(i) In census tract 3101, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028 and 2029.~~

~~(j) In census tract 3107, blocks 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3013, 3014, 4000, 4002, 4003, 4004, 4005, 4006 and 4007.~~

~~(k) In census tract 3502, blocks 1038, 1039, 1040 and 1041.]~~

1. Carson City and Douglas County.

2. In Washoe County:

(a) Census tracts 000200, 000700, 000900, 002101, 002104, 002105, 002106, 002202, 002203, 002204, 002205, 002901, 003105, 003106, 003108, 003201, 003202, 003302 and 003304.

(b) Census voting districts 0101, 0333, 0413, 0611, 0632, 0633, 0637, 0643, 0644, 0706, 0779 and 0879.

(c) In census tract 000100, blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2043, 2044, 2045, 2059, 2060, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5019, 5020, 5021, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5051, 5052, 5053 and 5054.

(d) In census tract 001901, block 2035.

(e) In census tract 002103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2001, 2002, 2003, 2004, 2006, 2012, 2013, 2014, 2015, 2016, 2020, 2021 and 2022.

(f) In census tract 002902, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011 and 4012.

(g) In census tract 003000, blocks 1009, 2000, 2003, 2004, 2005, 2006, 2007, 3004, 3005, 3006, 3007, 3008, 3009, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 6000, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6033, 6034 and 6035.

(h) In census tract 003101, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028 and 2029.

(i) In census tract 003107, blocks 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3013, 3014, 4000, 4002, 4003, 4004, 4005, 4006 and 4007.

(j) In census tract 003502, blocks 1038, 1039, 1040 and 1041.

Sec. 37. NRS 396.0425 is hereby amended to read as follows:

396.0425 District 2 consists of, in Clark County:

~~[1. Census tracts 000102, 000103, 000104, 000105, 001003, 001004, 001005, 001006, 002203, 002204, 002205, 002905, 002937, 002938, 002947, 003001, 003101, 003102, 003416, 003417, 003419, 003420, 003422, 003423 and 003424.~~

~~2. Census voting districts 2049, 2051, 2052, 2054, 2055, 2104, 3027, 3029, 3104, 6028, 6029, 6030 and 6042.~~

~~3. In census tract 000101, blocks 1000, 1001, 1002, 1003, 1004, 2005, 2006, 2007, 2008, 2009, 2010, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3001, 3008, 3009, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014 and 4015.~~

~~4. In census tract 000204, blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.~~

~~5. In census tract 002201, blocks 2012 and 2013.~~

~~6. In census tract 002935, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008 and 1009.~~

~~7. In census tract 002936, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011 and 2012.~~

~~8. In census tract 002946, blocks 1000, 1001 and 1002.~~

~~9. In census tract 002949, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011.~~

~~10. In census tract 002954, blocks 1000, 1001, 1002 and 1003.~~

~~11. In census tract 002955, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 2001, 2003 and 2004.~~

~~12. In census tract 003004, block 2000.~~

~~13. In census tract 003005, blocks 4000, 4001 and 4002.~~

~~14. In census tract 003006, blocks 3000 and 3001.~~

~~15. In census tract 003412, block 3017.~~

~~16. In census tract 003413, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1016, 1017, 1018, 1019 and 1023.~~

~~17. In census tract 003415, blocks 3000, 3001, 3002, 3004, 4000, 4001, 4012, 6000, 6001, 6002, 6003, 6005, 6006, 6007, 6008, 6009 and 6015.]~~

1. Census tracts 000102, 000103, 000104, 000105, 001003, 001004, 001005, 001006, 002203, 002204, 002205, 002905, 002937, 002938, 002947, 003001, 003101, 003102, 003416, 003417, 003419, 003420, 003422, 003423 and 003424.

2. Census voting districts 2049, 2051, 2052, 2054, 2055, 2104, 3027, 3029, 3104, 6028, 6029 and 6030.

3. In census tract 000101, blocks 1000, 1001, 1002, 1003, 1004, 2005, 2006, 2007, 2008, 2009, 2010, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3001, 3008, 3009, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014 and 4015.

4. In census tract 000204, blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.

5. In census tract 002201, blocks 2012 and 2013.

6. In census tract 002935, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008 and 1009.

7. In census tract 002936, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011 and 2012.

8. In census tract 002946, blocks 1000, 1001 and 1002.

9. In census tract 002949, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011.

10. In census tract 002954, blocks 1000, 1001, 1002 and 1003.

11. In census tract 002955, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1009 and 1010.

12. In census tract 003004, block 2000.

13. In census tract 003005, blocks 4000, 4001 and 4002.

14. In census tract 003006, blocks 3000 and 3001.

15. In census tract 003412, block 3017.

16. In census tract 003413, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1016, 1017, 1018, 1019 and 1023.

17. In census tract 003415, blocks 3000, 3001, 3002, 3004, 4000, 4001, 4012, 6000, 6001, 6002, 6003, 6005, 6006, 6007, 6008, 6009 and 6015.

Sec. 38. NRS 396.043 is hereby amended to read as follows:

396.043 District 3 consists of, in Clark County:

~~[1. Census tracts 002000, 002300, 002403, 002404, 002405, 002406, 002501, 002504, 002505, 002506, 002601, 002602, 002603, 002702, 002706, 002707, 002708, 002709, 002807, 002809, 002810, 002811, 002817, 002818, 002823, 002824, 002828, 002829, 002830, 002833, 002834, 005311, 005312, 005316, 005317, 005319 and 005320.~~

~~2. Census voting districts 1111, 5014, 7050, 7060, 7061 and 7062.~~

~~3. In census tract 000204, blocks 2000, 2001, 2002, 2013 and 2014.~~

~~4. In census tract 001100, blocks 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008 and 4009.~~

~~5. In census tract 002201, blocks 2010, 2011, 2014, 2015, 2016 and 2017.~~

~~6. In census tract 002808, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2001, 2002, 2003, 2007, 2009, 2010, 2012, 2013 and 2014.~~

~~7. In census tract 002814, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020 and 2000.~~

~~8. In census tract 002831, blocks 1000, 1001, 1002, 1003, 1004 and 1005.~~

~~9. In census tract 002832, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1019 and 1020.~~

~~10. In census tract 005322, block 1000.]~~

1. Census tracts 002000, 002300, 002403, 002404, 002405, 002406, 002501, 002504, 002505, 002506, 002601, 002602, 002603, 002702, 002706, 002707, 002708, 002709, 002807, 002809, 002810, 002811, 002817, 002818, 002823, 002824, 002828, 002829, 002830, 002833, 002834, 005311, 005312, 005316, 005317, 005319 and 005320.

2. Census voting districts 1111, 5014, 7050, 7060, 7061 and 7062.

3. In census tract 000204, blocks 2000, 2001, 2002, 2013 and 2014.

4. In census tract 001100, blocks 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008 and 4009.

5. In census tract 002201, blocks 2010, 2011, 2014, 2015, 2016 and 2017.

6. In census tract 002808, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

7. In census tract 002814, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020 and 2000.

8. In census tract 002831, blocks 1000, 1001, 1002, 1003, 1004 and 1005.

9. In census tract 002832, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1019 and 1020.

10. In census tract 005322, block 1000.

Sec. 39. NRS 396.0435 is hereby amended to read as follows:

396.0435 District 4 consists of, in Clark County:

~~[1. Census tracts 001706, 001707, 001708, 001709, 001715, 001717, 001718, 001803, 001804, 002821, 002822, 002826, 002827, 005010, 005011, 005101, 005102, 005103, 005104, 005105, 005106, 005107, 005108, 005109, 005200, 005314, 005315, 005318, 005321, 005333, 005334, 005335, 005336, 005337, 005338, 005341, 005342, 005343 and 005345.~~

~~2. Census voting districts 1110, 5025, 5026, 7031, 7034, 7049, 7056, 7057 and 7058.~~

~~3. In census tract 001608, blocks 1007, 2003, 2004, 2005, 2006 and 2007.~~

~~4. In census tract 001713, blocks 1001, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.~~

~~5. In census tract 001801, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 2002, 2008, 2009, 2015, 2016, 2017, 2018 and 2021.~~

~~6. In census tract 002808, blocks 2000, 2004, 2005, 2006, 2008 and 2011.~~

~~7. In census tract 005339, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1040, 1041, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.]~~

1. Census tracts 001706, 001707, 001708, 001709, 001715, 001717, 001718, 001803, 001804, 002821, 002822, 002826, 002827, 005010, 005011, 005101, 005102, 005103, 005104, 005105, 005106, 005107, 005108, 005109, 005200, 005314, 005315, 005318, 005321, 005333, 005334, 005335, 005336, 005337, 005338, 005341, 005342, 005343 and 005345.

2. Census voting districts 1110, 5025, 5026, 7031, 7034, 7049, 7056, 7057 and 7058.

3. In census tract 001608, blocks 1007, 2003, 2004, 2005, 2006 and 2007.

4. In census tract 001713, blocks 1001, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

5. In census tract 001801, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 2002, 2008, 2009, 2015, 2016, 2017, 2018 and 2021.

6. In census tract 002808, blocks 2000, 2004 and 2005.

7. In census tract 005339, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1040, 1041, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

Sec. 40. NRS 396.0453 is hereby amended to read as follows:

396.0453 District 9 consists of:

~~[1. Carson City, Douglas County, Lyon County and Storey County.~~

~~2. In Washoe County:~~

~~(a) Census tracts 003201, 003302 and 003304.~~

~~(b) Census voting districts 134, 144, 145, 148, 764, 771, 790, 797, 814, 819, 825, 844, 887, 929, 932 and 933.~~

~~(c) In census tract 001006, blocks 2026, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2110, 2112, 2113, 2114, 2115, 2116, 2117, 2121, 3036, 3037, 3038, 3039, 3041, 3042, 3043, 3044, 3045, 3046, 3047 and 3048.~~

~~(d) In census tract 001007, blocks 2016, 2017, 2018, 2019, 2020, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038, 3039, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3051, 3052, 3053, 3054, 3055 and 3056.~~

~~(e) In census tract 002300, blocks 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2093, 2094, 2095, 2096, 2097, 2098, 2102, 2103, 2104, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2119 and 2995.~~

~~(f) In census tract 003202, blocks 1008, 1009, 1024, 1025, 1026, 2000, 2001, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5998 and 5999.]~~

1. Carson City, Douglas County, Lyon County and Storey County.

2. In Washoe County:

(a) Census tracts 003201, 003302 and 003304.

(b) Census voting districts 0134, 0145, 0148, 0764, 0771, 0790, 0797, 0814, 0819, 0825, 0844, 0887, 0929, 0932 and 0933.

(c) In census tract 001006, blocks 2026, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2112, 2113, 3036, 3037, 3038, 3039, 3041, 3042, 3043, 3044, 3045, 3046, 3047 and 3048.

(d) In census tract 001007, blocks 2016, 2017, 2018, 2019, 2020, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038, 3039, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3051, 3052, 3053, 3054, 3055 and 3056.

(e) In census tract 002300, blocks 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2093, 2094, 2095, 2096, 2097, 2098, 2102, 2103, 2104, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2119 and 2995.

(f) In census tract 003202, blocks 1008, 1009, 1024, 1025, 1026, 2000, 2001, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5998 and 5999.

Sec. 41. NRS 396.0455 is hereby amended to read as follows:

396.0455 District 10 consists of, in Washoe County:

~~[1. Census tracts 000200, 000300, 000400, 000700, 000900, 001003, 001004, 001005, 001101, 001103, 001104, 001105, 001200, 001300, 002101, 002104, 002105, 002106, 002203, 002204, 002205 and 002406.~~

~~2. Census voting districts 101, 222, 254, 306, 307, 333, 340, 342, 343, 345, 353, 400, 402, 410, 413, 446, 503, 504, 509, 511, 512, 513, 534, 535, 537, 539, 710, 731, 769, 779, 787, 798, 834, 847, 879, 917, 935, 936, 938 and 945.~~

~~3. In census tract 000100, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 5002, 5003, 5004, 5005, 5010, 5011, 5012, 5013, 5014, 5015, 5019, 5020, 5021, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5051 and 5052.~~

~~4. In census tract 001006, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2014, 2015, 2016, 2018, 2029, 3014 and 3035.~~

~~5. In census tract 001007, blocks 2001, 2002, 2003, 2004, 2005, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3023, 3024, 3025, 3026 and 3050.~~

~~6. In census tract 001500, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3013 and 3014.~~

~~7. In census tract 001700, blocks 2004, 2006, 2007, 2008, 2009, 2010, 2011, 3008, 3009, 3010, 3011, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 5004, 5005, 5006, 5007 and 5008.~~

~~8. In census tract 001800, blocks 3007, 3009, 3010, 3011, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 5001, 5002, 5003, 5004, 5005, 5009, 5010 and 5011.~~

~~9. In census tract 002103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2001, 2002, 2003, 2004, 2006, 2012, 2013, 2014, 2015, 2016, 2020, 2021 and 2022.~~

~~10. In census tract 002202, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1022, 1025, 1026, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2026, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2037.~~

~~11. In census tract 002401, blocks 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022 and 2023.~~

~~12. In census tract 002402, blocks 2080, 2087 and 3024.~~

~~13. In census tract 002500, blocks 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3025 and 3026.~~

~~14. In census tract 003202, blocks 1005, 1006 and 1007.]~~

1. Census tracts 000200, 000300, 000400, 000700, 000900, 001003, 001004, 001005, 001101, 001103, 001104, 001105, 001200, 001300, 002101, 002104, 002105, 002106, 002203, 002204, 002205 and 002406.

2. Census voting districts 0101, 0144, 0222, 0254, 0306, 0307, 0333, 0340, 0342, 0343, 0345, 0353, 0400, 0402, 0410, 0413, 0444, 0446, 0503, 0504, 0509, 0511, 0512, 0513, 0534, 0535, 0537, 0539, 0710, 0731, 0769, 0779, 0787, 0798, 0834, 0847, 0879, 0917, 0935, 0936, 0938 and 0945.

3. In census tract 000100, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 5002, 5003, 5004, 5005, 5010, 5011, 5012, 5013, 5014, 5015, 5019, 5020, 5021, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5051 and 5052.

4. In census tract 001006, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2014, 2015, 2016, 2018, 2029, 3014 and 3035.

5. In census tract 001007, blocks 2001, 2002, 2003, 2004, 2005, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3023, 3024, 3025, 3026 and 3050.

6. In census tract 001500, blocks 3011 and 3013.

7. In census tract 001700, blocks 1023, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 5003, 5004, 5005, 5006, 5007 and 5008.

8. In census tract 001800, blocks 3007, 3009, 3010, 3011, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 5001, 5002, 5003, 5004, 5005, 5009, 5010 and 5011.

9. In census tract 002103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2001, 2002, 2003, 2004, 2006, 2012, 2013, 2014, 2015, 2016, 2020, 2021 and 2022.

10. In census tract 002202, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1022, 1025, 1026, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2026, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2037.

11. In census tract 002401, blocks 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022 and 2023.

12. In census tract 002402, blocks 2080, 2087 and 3024.

13. In census tract 002500, blocks 1009, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3025 and 3026.

14. In census tract 003202, blocks 1005, 1006 and 1007.

Sec. 42. NRS 396.0456 is hereby amended to read as follows:

396.0456 District 11 consists of, in Washoe County:

~~[1. Census tracts 001400, 001901, 001902, 002603, 002604, 002605, 002606, 002607, 002701, 002702, 002801, 002802, 002901, 002902, 003000, 003101, 003105, 003106, 003107, 003108, 003501, 003502, 003503, 003504, 003505, 003506, 003507 and 940100.~~

~~2. Census voting districts 401, 404, 419, 423, 432, 433, 443, 450, 528, 530, 540, 623, 747, 748, 751, 752, 848, 913, 914, 916 and 934.~~

~~3. In census tract 000100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 5000, 5001, 5006, 5007, 5008, 5009, 5053 and 5054.~~

~~4. In census tract 001006, blocks 2111, 2118, 2119, 2120 and 2999.~~

~~5. In census tract 001500, blocks 1000, 1001, 2002, 3012 and 3017.~~

~~6. In census tract 001700, blocks 1000, 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2000, 2001, 2002, 2005, 5000, 5001, 5002, 5003, 5012, 5013 and 5014.~~

~~7. In census tract 001800, blocks 4014, 4015, 4016, 5000, 5006, 5007 and 5008.~~

~~8. In census tract 002103, blocks 2000 and 2999.~~

~~9. In census tract 002300, blocks 1002, 1003, 1004, 1016, 1017, 1018, 2000, 2001, 2003, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2092, 2143, 2144 and 2994.~~

~~10. In census tract 002401, block 2021.~~

~~11. In census tract 002402, blocks 1006, 1007, 1008, 1009, 1024, 2066, 2081, 2082 and 2083.~~

~~12. In census tract 002500, blocks 1009, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024.~~

~~13. In census tract 002609, blocks 1000, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1041, 1044, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023,~~

~~2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2037, 2038 and 2039.~~]

1. Census tracts 001400, 001901, 001902, 002603, 002604, 002605, 002606, 002607, 002701, 002702, 002801, 002802, 002901, 002902, 003000, 003101, 003105, 003106, 003107, 003108, 003501, 003502, 003503, 003504, 003505, 003506, 003507 and 940100.

2. Census voting districts 0401, 0404, 0419, 0423, 0432, 0433, 0443, 0450, 0528, 0530, 0540, 0623, 0747, 0748, 0751, 0752, 0848, 0913, 0914, 0916 and 0934.

3. In census tract 000100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 5000, 5001, 5006, 5007, 5008, 5009, 5053 and 5054.

4. In census tract 001006, blocks 2110, 2111, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121 and 2999.

5. In census tract 001500, blocks 1000, 1001, 2002, 3012 and 3017.

6. In census tract 001700, blocks 1000, 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1024, 1025, 1026, 2000, 2001, 2002, 5000, 5001, 5002, 5012, 5013 and 5014.

7. In census tract 001800, blocks 4014, 4015, 4016, 5000, 5006, 5007 and 5008.

8. In census tract 002103, blocks 2000 and 2999.

9. In census tract 002300, blocks 1002, 1003, 1004, 1016, 1017, 1018, 2000, 2001, 2003, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2092, 2143, 2144 and 2994.

10. In census tract 002401, block 2021.

11. In census tract 002402, blocks 1006, 1007, 1008, 1009, 1024, 2066, 2081, 2082 and 2083.

12. In census tract 002500, blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024.

13. In census tract 002609, blocks 1000, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1041, 1044, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056,

1057, 1058, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2037, 2038 and 2039.

Sec. 43. NRS 396.046 is hereby amended to read as follows:

396.046 District 13 consists of, in Clark County:

~~[1. Census tracts 002815, 002816, 002835, 002836, 002912, 002925, 002942, 002948, 002956, 002958, 002960, 002961, 002962, 002963, 005331, 005332, 005702, 005703, 005704, 005705, 005806, 005807, 005808, 005809, 005811, 005812, 005813, 005816, 005818, 005819, 005820, 005821 and 940500.~~

~~2. Census voting districts 3138, 3188, 6040, 6062, 6066 and 6102.~~

~~3. In census tract 002814, blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011.~~

~~4. In census tract 002831, blocks 1006, 1007, 1008, 1009, 1010, 1011 and 1012.~~

~~5. In census tract 002832, blocks 1014, 1015, 1016, 1017, 1018, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1031.~~

~~6. In census tract 002927, block 2000.~~

~~7. In census tract 002935, blocks 1007, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.~~

~~8. In census tract 002936, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2008, 2013, 2014 and 2015.~~

~~9. In census tract 002955, blocks 1007, 1008, 1011, 1012, 1013, 2000, 2002, 2005 and 2006.~~

~~10. In census tract 005322, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.~~

~~11. In census tract 005339, blocks 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039 and 1042.~~

~~12. In census tract 005502, block 1000.~~

~~13. In census tract 005710, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144 and 1145.~~

~~14. Census tract 005803, block 2001.~~

~~15. In census tract 005810, blocks 1000, 1001, 1002, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1034.~~

~~16. In census tract 005817, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1069, 1070, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1144, 1145, 1146, 1147, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162 and 1164.~~

~~17. In census tract 005902, block 9011.]~~

1. Census tracts 002815, 002816, 002835, 002836, 002912, 002925, 002942, 002948, 002956, 002958, 002960, 002961, 002962, 002963, 005331, 005332, 005702, 005703, 005704, 005705, 005806, 005807, 005808, 005809, 005811, 005812, 005813, 005816, 005818, 005819, 005820, 005821 and 940500.

2. Census voting districts 3138, 3188, 6040, 6042, 6062, 6066 and 6102.

3. In census tract 002814, blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011.

4. In census tract 002831, blocks 1006, 1007, 1008, 1009, 1010, 1011 and 1012.

5. In census tract 002832, blocks 1014, 1015, 1016, 1017, 1018, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1031.

6. In census tract 002927, block 2000.

7. In census tract 002935, blocks 1007, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.

8. In census tract 002936, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2008, 2013, 2014 and 2015.

9. In census tract 002955, blocks 1007, 1008, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005 and 2006.

10. In census tract 005322, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

11. In census tract 005339, blocks 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039 and 1042.

12. In census tract 005502, block 1000.

13. In census tract 005710, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048,

1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144 and 1145.

14. In census tract 005803, block 2001.

15. In census tract 005810, blocks 1000, 1001, 1002, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1034.

16. In census tract 005817, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1069, 1070, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1144, 1145, 1146, 1147, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162 and 1164.

17. In census tract 005902, block 9011.".

Amend the title of the bill to read as follows:

"AN ACT relating to elections; making minor revisions to districts from which certain members of the Legislature, State Board of Education and Board of Regents of the University of Nevada are elected; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes minor revisions to districts from which certain members of Legislature, State Board of Education and Board of Regents of University of Nevada are elected. (BDR 17-732)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 390.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 344.

Amend section 1, pages 1 and 2, by deleting lines 3 through 6 on page 1 and lines 1 through 3 on page 2, and inserting:

"*1. Except as otherwise provided in subsection 2, a governing body shall not require an owner of property to maintain, reconstruct or repair a sidewalk in a public right-of-way that abuts his property.*".

Amend section 1, page 2, line 5, by deleting "*from imposing*" and inserting: "*from:*

(a) Imposing".

Amend section 1, page 2, line 6, by deleting: "*described in subsection 1*" and inserting: "*or repair of a sidewalk*".

Amend section 1, page 2, lines 7 and 8, by deleting "*right-of-way.*" and inserting: "*right-of-way;*

(b) Requiring any reconstruction or repair of a sidewalk as a condition of approval for a change in the use of the land;

(c) Requiring an owner of property to maintain a sidewalk in a public right-of-way that abuts his property if the sidewalk was constructed pursuant to standards that exceed the general standards of the governing body for sidewalks; or

(d) Requiring, by ordinance, owners of property to be responsible for:

(1) The repair and reconstruction of a sidewalk in the public right-of-way that abuts the property of the owner if the owner caused the need for such repair or reconstruction.

(2) The general maintenance of a sidewalk in the public right-of-way that abuts the property of the owner, including, without limitation, sweeping, removal of snow, ice and weeds, and maintenance of any grass, shrubs or trees that encroach on the sidewalk.".

Amend sec. 3, page 2, by deleting lines 16 through 23 and inserting:

"*No person who owns property is liable in a civil action for any injury or damage that occurs as a result of the use of a sidewalk in a public right-of-way that abuts his property, unless he failed to comply with an ordinance adopted pursuant to paragraph (d) of subsection 2 of section 1 of this act.*".

Amend the title of the bill to read as follows:

"AN ACT relating to real property; prohibiting a governing body from requiring an owner of property to maintain, reconstruct or repair a sidewalk in a public right-of-way that abuts his property except in certain circumstances; providing certain limitations on the civil liability of an owner of property with respect to such sidewalks; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to duties and liability of owner of property relating to sidewalks in public right-of-way abutting his property. (BDR 22-965)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 125.

Amend section 1, page 2, line 5, by deleting "*that* property" and inserting "property *that*".

Amend section 1, page 2, by deleting line 19 and inserting:

"4. ~~[Except as otherwise provided in subsection 6, the]~~ *The* money".

Amend section 1, page 2, line 24, by deleting "*personnel*" and inserting "*additional employees*".

Amend section 1, page 2, by deleting lines 26 through 28 and inserting: "*cemeteries, except that the number of such additional full-time employees that the Executive Director may employ at each cemetery must not exceed 60 percent of the number of full-time employees for national veterans' cemeteries that is established by the National Cemetery Administration of the United States Department of Veterans Affairs.*".

Amend section 1, page 2, line 29, by deleting "6," and inserting "~~[6,]~~ *7,*".

Amend section 1, page 2, by deleting lines 34 through 38 and inserting: "in the State General Fund. ~~[The Executive Director or the Deputy Executive Director shall use gifts of money or personal property that he is authorized to accept and for which the donor has restricted to one or more uses at a veterans' cemetery, only in the manner designated by the donor.]~~ Gifts of money that the Executive Director".

Amend section 1, page 3, between lines 4 and 5, by inserting:

"*7. The Executive Director or the Deputy Executive Director shall use gifts of money or personal property that he is authorized to accept and for which the donor has restricted to one or more uses at a veterans' cemetery in the manner designated by the donor, except that if the original purpose of the gift has been fulfilled or the original purpose cannot be fulfilled for good cause, any money or personal property remaining in the gift may be used for other purposes at the veterans' cemetery in northern Nevada or the veterans' cemetery in southern Nevada, as appropriate.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Subsection 7 of NRS 417.220 applies to gifts of money and of personal property donated:

1. On or after July 1, 2003; and
2. Before July 1, 2003, that are remaining after that date.".

Amend the title of the bill to read as follows:

"AN ACT relating to veterans' cemeteries; revising the provisions governing financial support for veterans' cemeteries; providing for the employment of additional employees to operate veterans' cemeteries; authorizing the use of the remainder of certain gifts of money and personal property donated for use at veterans' cemeteries; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to veterans' cemeteries. (BDR 37-1184)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 402.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 2, by deleting lines 9 and 10 and inserting: "authorizing the State Treasurer to enter into contracts selling, leasing or otherwise marketing the use of state property or state emblems, including the name of the State of Nevada and the State Seal, for advertising or other commercial purposes, or similar business opportunities, including:

(a) Contracts with issuers of credit cards in which the State benefits from the issuance or use of the credit cards;

(b) The sale of advertising space on state property or vehicles;

(c) The sale of the right to name a stadium or arena owned by the State;

(d) The sale of licensing rights for the nonexclusive use of state emblems designated pursuant to chapter 235 of NRS; and

(e) Such other uses of that authority as the committee deems appropriate. The committee".

Amend the title of the bill to read as follows:

"AN ACT relating to state revenue; directing the Governor to appoint a committee to study authorizing the State Treasurer to enter into certain contracts involving state property or state emblems to generate revenue for the State and the feasibility of issuing bullion coins; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

SUMMARY—Directs Governor to appoint committee to study authorizing entrepreneurial activities to generate revenue for State. (BDR S-1164)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 403.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a governing body shall not require an owner of land to dedicate real property or any interest in real property as a condition for the issuance of a building permit.

2. The provisions of subsection 1 do not prohibit:

(a) A governing body from requiring, before the issuance of a building permit, that an owner of land comply with any applicable conditions of a discretionary approval, including, without limitation, a special use permit, that has been granted previously; or

(b) The application of any requirements that a governing body imposes by ordinance with respect to a broad class of owners of land.".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 278.462 is hereby amended to read as follows:

278.462 The governing body or, if authorized by the governing body, the planning commission or other authorized person:

1. May require street grading, drainage provisions and lot designs as are reasonably necessary.

2. If it anticipates *, based upon duly adopted ordinances and plans,* that the parcels will be used for residential, commercial or industrial purposes, may require off-site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions ~~[as are reasonably]~~ *only as* necessary and consistent with the existing use of any land zoned for similar use which is within 660 feet of the proposed parcel. If the proposed parcels are less than 1 acre, the governing body or, if authorized by the governing body, the planning commission or other authorized person may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.

3. For a second or subsequent parcel map with respect to:

(a) A single parcel; or

(b) A contiguous tract of land under the same ownership,

may require any reasonable improvement, but not more than would be required if the parcel were a subdivision.".

Amend the title of the bill to read as follows:

"AN ACT relating to land use planning; prohibiting a governing body from requiring that an owner of land dedicate real property or an interest therein as a condition precedent to the issuance of a building permit; setting forth certain exceptions; restricting the circumstances pursuant to which a governing body may impose certain requirements pertaining to land use; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes with respect to requirements relating to land use that may be imposed by governing body. (BDR 22-1050)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 335.

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. NRS 637.025 is hereby amended to read as follows:

637.025 ~~[Nothing in this chapter shall be construed:~~

~~1. To apply to ophthalmic]~~ *The provisions of this chapter do not apply to:*

1. Ophthalmic dispensing personally by a licensed physician, surgeon or optometrist unless exclusively engaged in the business of filling prescriptions.

2. ~~[To prohibit the]~~ *Ophthalmic dispensing by an employee of a licensed physician, surgeon or optometrist if the employee practices ophthalmic dispensing only under the direct supervision of the licensed physician, surgeon or optometrist and only as an assistant to the licensed physician, surgeon or optometrist.*

3. A licensed pharmacist dispensing prepackaged contact lenses pursuant to the provisions of NRS 639.2825.

4. The sale of goggles, sun glasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses.".

Amend sec. 6, page 4, by deleting lines 43 and 44 and inserting: "*ophthalmic dispensing at a school that:*

(1) Offers a degree of associate in applied science for studies in ophthalmic dispensing; and

(2) Is accredited by the Commission on Opticianry Accreditation;".

Amend sec. 6, page 5, line 3, by deleting "*ophthalmologist;*" and inserting: "*ophthalmologist as part of the course of study;*".

Amend sec. 6, page 5, by deleting lines 4 through 7 and inserting:

"*(c) The Board approves the course of study for this purpose.*".

Amend sec. 23, page 13, line 6, after "4," by inserting "5.5,".

Amend the title of the bill, nineteenth line, after "ophthalmologist;" by inserting: "revising the applicability of the provisions regulating dispensing opticians;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 499.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 343.

Amend sec. 3, page 1, line 5, by deleting "*establish*" and inserting "*create*".

Amend sec. 3, page 1, line 10, after "*271.710.*" by inserting: "*A maintenance district created pursuant to this subsection remains in existence until the governing body, by ordinance, dissolves the maintenance district.*".

Amend sec. 3, page 2, line 1, by deleting "*establishes*" and inserting "*creates*".

Amend sec. 3, page 2, by deleting lines 2 through 12 and inserting: "*pursuant to subsection 1, the governing body may periodically levy assessments during the existence of the district to pay the cost of maintaining and improving the applicable project. The amount of such assessments must be determined periodically by the governing body during the existence of the district but at least once every 3 years. To determine the amount of the assessments for such a period not exceeding 3 years, the governing body shall prepare or cause to be prepared:*

(a) An estimate of the costs expected to be incurred to maintain and improve the project during the period; and

(b) A proposed assessment roll in the form required by paragraph (b) of subsection 1 of NRS 271.360, setting forth the amounts to be assessed against the tracts specially benefited by the project during the period. The total of those amounts must not exceed the costs estimated pursuant to paragraph (a). The amount to be assessed for the period against each tract specially benefited by the project must not exceed the reasonable market value of the tract, as provided in subsection 5 of NRS 271.365.".

Amend sec. 3, page 2, line 16, by deleting: "*schedule of assessments,*".

Amend sec. 3, page 2, line 17, by deleting "*roll.*" and inserting: "*roll prepared pursuant to subsection 2.*".

Amend sec. 3, page 2, by deleting lines 19 through 22 and inserting: "*271.385. The proposed assessments for the period may not exceed the estimate of maximum special benefits to the tracts assessed which was determined, as provided in subsection 2 of NRS 271.300, when the maintenance district was created unless the maximum special benefits are redetermined at a new hearing which is held after notice is mailed and published in the manner provided in NRS 271.305, 271.306 and 271.310 and the proposed assessments do not exceed the redetermined amount of the estimated maximum special benefits.*".

Amend sec. 3, page 2, by deleting lines 26 and 27 and inserting: "*assessments for the period by ordinance as provided in NRS 271.390. The ordinance pursuant to which the assessments are levied must specify the period not exceeding 3 years over which the assessments are due.*

5. The assessments levied pursuant to subsection 4 must be due over the period that:".

Amend sec. 3, page 2, by deleting lines 30 and 31 and inserting:

"*(b) Ends on the last day of the period set forth in the ordinance pursuant to which the assessments are levied.*".

Amend sec. 3, page 2, line 33, by deleting: "*monthly or quarterly*" and inserting: "*monthly, quarterly, semiannual or annual*".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 537.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 407.

Amend the bill as a whole by renumbering sec. 5 as sec. 6 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. The Department of Personnel shall:

1. Classify all positions within the Department of Corrections that involve contact with inmates as correctional classifications and adjust the wage rates for the positions accordingly.

2. Increase the level of compensation for the following maintenance classifications within the Department of Corrections by two grades on the classified employee compensation schedule effective July 1, 2003:

TITLE	CODE
Air Conditioning/Refrigeration Supervisor	9.474
Air Conditioning/Refrigeration Specialist II	9.473
Air Conditioning/Refrigeration Specialist I	9.435

Electrician Supervisor (Maintenance)		9.448
Electrician II (Maintenance)	9.447	
Electrician I (Maintenance)	9.426	
Electronics Technician III	6.987	
Electronics Technician II	6.981	
Electronics Technician I	6.988	
Facility Supervisor IV	9.603	
Facility Supervisor III	9.606	
Facility Supervisor II	9.609	
Facility Supervisor I	9.612	
Heat Plant Specialist III	9.424	
Heat Plant Specialist II	9.420	
Heat Plant Specialist I	9.428	
Maintenance Repair Specialist II	9.445	
Maintenance Repair Specialist I	9.441	
Maintenance Repair Worker VI	9.485	
Maintenance Repair Worker III	9.486	
Maintenance Repair Worker II	9.487	
Maintenance Repair Worker I	9.488	
Plumber Supervisor (Maintenance)	9.463	
Plumber II (Maintenance)	9.462	
Plumber I (Maintenance)	9.432	
Combination Welder II	9.430	
Combination Welder I	9.417	
Equipment Mechanic Supervisor	9.322	
Equipment Mechanic III	9.323	
Equipment Mechanic II	9.331	
Equipment Mechanic I	9.333	
Locksmith II	9.431	
Locksmith I	9.418	
Driver Warehouse Supervisor	9.212	
Driver Warehouse Worker II	9.211	
Driver Warehouse Worker I	9.210	

Carpenter Supervisor (Maintenance)	9.439
Carpenter II	9.424
Carpenter I	9.423
Sewage Treatment Plant Operator III	9.495
Sewage Treatment Plant Operator II	9.496
Sewage Treatment Plant Operator I	9.497”.

Amend the title of the bill, eighth line, after “employee;” by inserting: “requiring the Department of Personnel to increase the level of compensation of certain positions within the Department of Corrections;”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Assemblyman Manendo moved that upon return from the printer Assembly Bill No. 537 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 541.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 392.

Amend section 1, page 1, line 3, by deleting “*In*” and inserting: “*Except as otherwise provided in subsection 2, in*”.

Amend section 1, page 2, by deleting lines 12 through 18 and inserting: “*confusion and:*

(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of the candidates must be included in the names of the candidates as printed on the ballot; or

(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

3. Where a system of voting other than by paper ballot is used and the provisions of paragraph (b) of subsection 2 are applicable, the Secretary of State may distinguish a candidate who is an incumbent in a manner other than printing the name of the incumbent in bold type provided that the manner used clearly emphasizes the name of the incumbent in a manner similar to printing his name in bold type.”.

Amend sec. 3, page 6, line 3, after “*initiative.*” by inserting: “*Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:*

The following questions are alternative approaches to the same issue and only one approach may be enacted into law. Please vote for only one.”.

Amend the bill as a whole by deleting sections 5 through 7, renumbering sections 8 and 9 as sections 12 and 13 and adding new sections designated sections 5 through 11, following sec. 4, to read as follows:

"Sec. 5. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons in this state who are disabled;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks; and

(e) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) Make applications to register to vote which may be returned by mail available to each person who applies for or receives services or assistance from the agency;

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. ~~[During]~~ *The applications must be forwarded daily during* the 2 weeks immediately preceding the ~~[close of registration for an election, the applications must be forwarded daily.]~~ *fifth Saturday preceding an election.* The county clerk shall accept any application to register to vote which is *obtained from a voter registration agency pursuant to this section and* completed by the ~~[last day to register]~~ *fifth Saturday preceding an election* if he receives the application not later than 5 days after ~~[the close of registration.]~~ *that date.*

4. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this state to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 6. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which he is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar

serves at the pleasure of the county clerk and shall perform his duties as the county clerk may direct.

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his possession five or more completed applications to register to vote he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. ~~[Immediately]~~ *Each field registrar shall forward to the county clerk all completed applications in his possession immediately* after the ~~[close of registration, each field registrar shall forward to the county clerk all completed applications in his possession.]~~ *fifth Saturday preceding an election.* Within 5 days after the ~~[close of registration for a]~~ *fifth Saturday preceding any* general election or general city election, a field registrar shall return all unused applications in his possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this state.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 10 of NRS 293.5235 shall not:

(a) Delegate any of his duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a field registrar unless he has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 10 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

while he is registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar he shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 10 of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote;

(b) Alter or deface an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required; or

(c) Register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.

13. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

14. A person who violates any of the provisions of subsection 8, 9, 10 or 12 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 7. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register:

(a) ~~[By]~~ *Except as otherwise provided in NRS 293.560 and 293C.527, by* appearing before the county clerk, *a* field registrar or a voter registration agency, completing the application to register to vote and giving true and satisfactory answers to all questions relevant to his identity and right to vote;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; or

(d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237. The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name, and not under the given or first name or initials of his spouse.

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; or

(d) At any voter registration agency. If the elector fails to register under his new name, he may be challenged pursuant to the provisions of

NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. An elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of his application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote, he shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

Sec. 8. NRS 293.5237 is hereby amended to read as follows:

293.5237 Any time before the ~~[close of registration]~~ *fifth Saturday preceding an election,* a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register him at his residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register him to vote.

Sec. 9. NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or for an identification card.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. ~~[During]~~ *The applications must be forwarded daily during* the 2 weeks immediately preceding the ~~[close of registration for an election, the applications must be forwarded daily.]~~ *fifth Saturday preceding an election.*

4. The county clerk shall accept any application to register to vote which is *obtained from the Department of Motor Vehicles pursuant to this section and* completed by the ~~[last day to register]~~ *fifth Saturday preceding an election* if he receives the application not later than 5 days after ~~[the close of~~

~~registration.]~~ *that date.* Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If he determines that the application is complete, he shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If he determines that the application is not complete, he shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that his records have been corrected.

7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the election board registers and registrar of voters' register.

Sec. 10. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, registration must close at 9 p.m. on the ~~[fifth Saturday]~~ *third Tuesday* preceding any primary or general election and at 9 p.m. on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, registration must close at 9 p.m. on the ~~[fifth Saturday]~~ *third Tuesday* preceding the day of the elections.

2. The ~~[offices]~~ *office* of the county clerk ~~[and other ex officio registrars]~~ must be open from 9 a.m. to 5 p.m. and ~~[the office of the county clerk must also be open]~~ from 7 p.m. to 9 p.m., including Saturdays, during the last days before the close of registration, according to the following schedule:

(a) In a county whose population is less than 100,000, ~~[those offices]~~ *the office of the county clerk* must be open during the last 3 days before registration closes.

(b) In all other counties, ~~[those offices]~~ *the office of the county clerk* must be open during the last 5 days before registration closes.

3. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him to be published in a newspaper having a general circulation in the county indicating the day that registration will be closed. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this state.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

4. The offices of the county clerk and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. For the period beginning on the fifth Saturday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only by appearing in person at the office of the county clerk.

Sec. 11. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 2, sample ballots must include:

(a) *If applicable, the statement required by NRS 293.267;*

(b) The fiscal note, as provided pursuant to NRS 218.443 or 293.250, for each proposed constitutional amendment or statewide measure;

~~[(b)]~~ *(c)* An explanation, as provided pursuant to NRS 218.443, of each proposed constitutional amendment or statewide measure, including arguments for and against it; and

~~[(c)]~~ *(d)* The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. At least 10 days before any election, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct

with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 5, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

5. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

6. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

7. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

8. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter.

9. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.”.

Amend the bill as a whole by deleting sections 10 through 12, renumbering sections 13 through 26 as sections 15 through 28 and adding a new section designated sec. 14, following sec. 9, to read as follows:

“Sec. 14. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, registration must close at 9 p.m. on the ~~[fifth Saturday]~~ *third Tuesday*

preceding any primary city election or general city election and at 9 p.m. on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close at 9 p.m. on the ~~[fifth Saturday]~~ *third Tuesday* preceding the day of the elections.

2. The ~~[offices]~~ *office* of the city ~~[and county clerk and other ex officio registrars]~~ *clerk* must be open from 9 a.m. to 5 p.m. and ~~[the offices of the city and county clerk must also be open]~~ from 7 p.m. to 9 p.m., including Saturdays, during the last days before the close of registration before a primary city election or general city election, according to the following schedule:

(a) In a city whose population is less than 25,000, ~~[those offices]~~ *the office of the city clerk* must be open during the last 3 days before registration closes.

(b) In a city whose population is 25,000 or more, ~~[those offices]~~ *the office of the city clerk* must be open during the last 5 days before registration closes.

3. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him to be published in a newspaper having a general circulation in the city indicating the day that registration will be closed. If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this state.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

4. For the period beginning on the fifth Saturday preceding any primary city election or general city election and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only by appearing in person at the office of the city clerk.".

Amend sec. 14, page 14, by deleting lines 27 and 28 and inserting: "*Governor sets a specific date for the*".

Amend sec. 15, page 15, by deleting lines 13 and 14 and inserting: "*Governor sets a specific date for the*".

Amend sec. 16, page 16, by deleting lines 28 and 29 and inserting: "*Governor sets a specific date for the*".

Amend sec. 17, pages 16 and 17, by deleting line 44 on page 16 and lines 1 through 6 on page 17, and inserting: "surnames so similar as to be likely to cause confusion ~~[, their residence addresses shall be printed with]~~ *and:*

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names *as printed* on the ballot ~~[.]~~ *; or*

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.".

Amend sec. 18, page 17, by deleting lines 18 through 24 and inserting: "surnames so similar as to be likely to cause confusion ~~[, their residence addresses shall be printed with]~~ *and:*

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names *as printed* on the ballot ~~[.]~~ *; or*

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.".

Amend sec. 19, pages 17 and 18, by deleting lines 36 through 39 on page 17 and lines 1 through 3 on page 18, and inserting: "surnames so similar as to be likely to cause confusion ~~[, their residence addresses shall be printed with]~~ *and:*

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names *as printed* on the ballot ~~[.]~~ *; or*

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.".

Amend sec. 20, page 18, by deleting lines 17 through 23 and inserting: "surnames so similar as to be likely to cause confusion ~~[, their residence addresses must be printed with]~~ *and:*

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names *as printed* on the ballot ~~[.]~~ *; or*

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.".

Amend sec. 21, page 18, by deleting lines 35 through 42 and inserting: "names which are so similar as likely to cause confusion ~~[, their residence addresses must be printed with]~~ *and:*

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names *as printed* on the ballots ~~[.]~~ *; or*

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.".

Amend sec. 22, page 19, by deleting lines 13 through 19 and inserting: "surnames so similar as to be likely to cause confusion ~~[, their residence addresses shall be printed with]~~ *and:*

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names *as printed* on the ballot ~~[.]~~ *; or*

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.".

Amend sec. 23, page 19, by deleting lines 35 through 41 and inserting: "surnames so similar as to be likely to cause confusion ~~[, their residence addresses shall be printed with]~~ *and:*

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names *as printed* on the ballot ~~[.]~~ *; or*

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.".

Amend sec. 24, page 20, by deleting lines 12 through 19 and inserting: "or surnames so similar as to be likely to cause confusion ~~[, their residence addresses shall be printed with]~~ *and:*

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names *as printed* on the ballot ~~[.]~~ *; or*

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.".

Amend sec. 25, page 20, by deleting lines 31 through 37 and inserting: "surnames so similar as to be likely to cause confusion ~~[, their residence addresses shall be printed with]~~ *and:*

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names *as printed* on the ballot ~~[.]~~ *; or*

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.".

Amend sec. 26, page 21, by deleting lines 4 through 10 and inserting: "surnames so similar as to be likely to cause confusion ~~[, their residence addresses shall be printed with]~~ *and:*

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names *as printed* on the ballot ~~[.]~~ *; or*

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.".

Amend the title of the bill to read as follows:

"AN ACT relating to elections; providing a manner for distinguishing candidates on a ballot who have the same or similar surnames; requiring certain statewide measures proposed by initiative to appear on the ballot in a certain order; authorizing a voter who requests an absent ballot to authorize another person to return the ballot on his behalf; shortening the period for early voting; extending the period for registering to vote; prohibiting the Secretary of State and city clerks from requiring candidates, other persons, committees or political parties to list each expenditure or campaign expense of $100 or less on certain forms; revising the period during which a candidate may solicit or accept or a lobbyist may make or offer to make any monetary contribution before a special session; and providing other matters properly relating thereto.".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 213, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 325, 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 174, 200, 213, 244, 295, 325, 332, 406, 417 and 429 be placed on the Second Reading File.

Motion carried.

NOTICE OF EXEMPTION

April 21, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 68 and 519.

MARK STEVENS
Fiscal Analysis Division

Assemblywoman Chowning moved that upon return from the printer Assembly Bill No. 519 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Manendo moved that Assembly Bill No. 249 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 174.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 271.

Amend the bill as a whole by deleting sections 1 through 34 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

"Section 1. As used in sections 1 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 2. "Council" means the Regional Business Development Advisory Council for Clark County created by section 5 of this act.

Sec. 3. "Disadvantaged person" means a person who is a member of a racial or ethnic minority, female or physically disabled.

Sec. 4. The Legislature hereby finds and declares that a general law cannot be made applicable for the provisions of this act because of the economic diversity of Clark County, the unique growth in population experienced in Clark County, particularly in the minority population and the special conditions experienced in Clark County related to the documented statistical disparities between the availability and utilization of firms owned by minorities and women for the procurement and contracting by public agencies in Clark County.

Sec. 5. 1. The Regional Business Development Advisory Council for Clark County is hereby created. The Council consists of a single representative from each of the following entities:

(a) City of Henderson.
(b) Henderson Library District.
(c) City of Las Vegas.
(d) Housing Authority of the City of Las Vegas.
(e) City of North Las Vegas.
(f) Housing Authority of the City of North Las Vegas.
(g) Clark County.
(h) Clark County Health District.
(i) Clark County Housing Authority.
(j) Clark County Regional Flood Control District.
(k) Clark County Sanitation District.
(l) Clark County Water Reclamation District.
(m) Clark County School District.
(n) Community College of Southern Nevada.
(o) Las Vegas-Clark County Library District.
(p) Las Vegas Convention and Visitors Authority.
(q) Las Vegas Valley Water District.

(r) Regional Transportation Commission of Southern Nevada.
(s) Southern Nevada Water Authority.
(t) University Medical Center of Southern Nevada.
(u) University of Nevada, Las Vegas.
(v) Department of Transportation.
(w) Las Vegas Urban Chamber of Commerce.
(x) Hispanic Business Roundtable.

2. The Board of County Commissioners of Clark County, in consultation with the Las Vegas Urban Chamber of Commerce, shall solicit and encourage participation in the Council by other governmental entities, private nonprofit entities organized to promote business or encourage participation in government, and private entities that employ 500 or more persons. Any such entity that requests to participate must be included as a member of the Council.

Sec. 6. The Council shall elect a Chairman, Vice Chairman, Secretary and such other officers as the Council determines are necessary from among its members. The term of each officer is 2 years. Any vacancy occurring in an office must be filled by majority vote of the members of the Council for the remainder of the unexpired term.

Sec. 7. 1. The members of the Council shall serve without compensation.

2. The governmental entities who have a representative on the Council shall jointly provide the Council with administrative assistance and provide for the expenses of the Council.

Sec. 8. The Council shall meet at least once every 3 months, at such times as are determined by the Council.

Sec. 9. The Secretary of the Council shall:

1. Record the minutes of each meeting of the Council;
2. Record the attendance at each meeting of the Council; and
3. Maintain the records and minutes of the Council.

Sec. 10. 1. The Council shall propose and implement policies, programs and procedures to encourage and promote the use of local businesses owned or operated by disadvantaged persons, particularly in the area of contracting and procurement by public agencies in Clark County.

2. On or before November 1 of each year, each public entity which has a representative on the Council shall prepare and deliver a written report to the Council which contains:

(a) The number of persons employed by the public entity, disaggregated by major ethnic and racial categories, including, without limitation, African-American, Asian, Caucasian, Hispanic and Native American.

(b) Capital expenditures made by the public entity for the immediately preceding fiscal year, disaggregated by discretionary and nondiscretionary expenditures.

(c) The percentage of capital expenditures paid by the public entity to disadvantaged persons or businesses owned or managed by disadvantaged persons, disaggregated by ethnic and racial categories and by gender.

(d) A summary of the efforts and programs used by the public entity to encourage and increase the involvement in contracting by disadvantaged persons and businesses owned or managed by disadvantaged persons and any efforts or programs used by the public entity to encourage the economic development of disadvantaged persons and businesses owned by disadvantaged persons.

(e) Such other information as the Council determines is necessary to achieve its goals.

3. The Council shall encourage each public or private entity which has a representative on the Council pursuant to subsection 2 of section 5 of this act to prepare and deliver to the Council an annual report similar to the report required pursuant to subsection 2.

4. On or before January 15 of each odd-numbered year, the Council shall prepare a report regarding the policies, programs and procedures that the Council proposed and implemented during the immediately preceding 2 years to encourage and promote the use of local businesses owned and operated by disadvantaged persons, using the reports received pursuant to this section, and shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the 73rd Session of the Nevada Legislature.".

Amend the preamble of the bill, page 2, between lines 5 and 6, by inserting:

"WHEREAS, The participants to the study include the City of Las Vegas, Housing Authority of the City of Las Vegas, Clark County, Clark County Housing Authority, Clark County Regional Flood Control District, Clark County Sanitation District, Clark County School District, Community College of Southern Nevada, Las Vegas-Clark County Library District, Las Vegas Convention and Visitors Authority, Las Vegas Valley Water District, Regional Transportation Commission of Southern Nevada, University Medical Center of Southern Nevada and University of Nevada, Las Vegas; and".

Amend the preamble of the bill, page 2, between lines 16 and 17, by inserting:

"WHEREAS, Clark County established a Business Development Advisory Council to meet with a variety of business organizations to address the issues identified in the study and to discuss and implement processes and procedures to enhance the opportunity to obtain contracts by small local businesses owned by persons who are members of racial or ethnic minorities, women or persons who are physically disabled, in an effort to spur growth and economic development in the local economy; and

WHEREAS, The Business Development Advisory Council has implemented a variety of programs to improve the dissemination of

information regarding contracting opportunities within the community, including, without limitation, developing outreach efforts, workshops, training within the county government of Clark County, development of monthly statistics to document the progress of the programs and the review of bid specifications to ensure full and open competition and to reduce barriers to bidding by businesses owned by persons who are members of racial and ethnic minorities, women and persons who are physically disabled; and

WHEREAS, The actions of the Business Development Advisory Council have resulted in a process that increases the opportunities for contracting with governmental and private entities in Clark County by businesses that are owned by persons who are members of racial and ethnic minorities, women and persons who are physically disabled; and

WHEREAS, The results of the 2000 Census indicate that the demographics of Clark County have changed dramatically over the decade spanning 1990 to 2000, particularly with respect to the growth of the minority population; and".

Amend the preamble of the bill, page 2, by deleting line 24 and by inserting:

"agencies in Clark County; and

WHEREAS, It is imperative that public entities deal fairly and openly with all persons and include all persons in the functioning of the government, including, without limitation, in opportunities for contracting and procurement with a public entity; now, therefore,".

Amend the title of the bill to read as follows:

"AN ACT relating to underutilized businesses; creating the Regional Business Development Advisory Council for Clark County; prescribing the powers and duties of the Council; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Creates Regional Business Development Advisory Council for Clark County. (BDR S-1004)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 200.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 485.

Amend sec. 4, page 2, line 21, by deleting "*include:*" and inserting: "*include, but is not limited to:*".

Amend sec. 5, page 2, by deleting lines 34 and 35 and inserting:

"Sec. 5. *1. A county treasurer may sell a tax lien against a parcel of real*".

Amend sec. 5, page 2, by deleting lines 43 through 45 and inserting:

"*(d) The price for the tax lien established by the county treasurer is at least equal to the amount of the taxes which are delinquent for the parcel and any penalties, interest and costs which may accrue thereon.*".

Amend sec. 5, page 3, by deleting lines 15 and 16 and inserting:

"*7. If a tax lien offered for sale is not sold at the sale*".

Amend sec. 6, page 3, by deleting lines 30 through 32 and inserting: "*commissioners. The interest must be calculated annually from the date on which the certificate of purchase is issued. The rate of interest established by the board may not be less than 10 percent per annum or more than 20 percent per annum.*".

Amend sec. 6, page 3, lines 44 and 45, by deleting: "*the county treasurer sells the tax lien.*" and inserting: "*on which the certificate of purchase is issued.*".

Amend sec. 7, page 4, line 31, by deleting "*lien;*" and inserting "*lien; and*".

Amend sec. 7, page 4, by deleting lines 33 through 36 and inserting "*361.700.*".

Amend sec. 9, page 5, by deleting lines 1 through 13 and inserting: "*county treasurer shall:*

(a) Collect the delinquent taxes in the manner set forth in NRS 361.5648 to 361.730, inclusive;

(b) Redeem the tax lien pursuant to section 10 of this act; or

(c) Cause written notice of the delinquency to be sent by certified mail to the holder of the certificate of purchase who is listed in the record of sales of tax liens maintained by the county treasurer pursuant to section 7 of this act.

2. Within 90 days after receiving a notice from the county treasurer pursuant to paragraph (c) of subsection 1, the holder of the certificate of purchase may:

(a) Purchase from the county treasurer a tax lien against the parcel for the current year of assessment pursuant to section 6 of this act; or

(b) Consent to the redemption of the tax lien pursuant to section 10 of this act.

3. If the holder of the certificate of purchase consents to the redemption of the tax lien pursuant to section 10 of this act, the county treasurer shall:

(a) Redeem the tax lien pursuant to that section; or

(b) Sell the tax lien to another person, who shall redeem any previous tax lien pursuant to section 10 of this act.".

Amend sec. 10, page 5, line 14, by deleting "*Any*" and inserting: "*In addition to the persons authorized to redeem a tax lien pursuant to section 9 of the act, any*".

Amend sec. 12, page 6, by deleting lines 15 through 22 and inserting: "*of this act within the time allowed for the collection of the delinquent taxes*

set forth in NRS 361.5648 to 361.645, inclusive, the holder of the certificate of purchase may commence an action for the collection of the delinquent taxes, penalties, interests and costs pursuant to NRS 361.645 to 361.715, inclusive.".

Amend the bill as a whole by deleting sec. 13 and adding:

"Sec. 13. (Deleted by amendment.)".

Amend sec. 14, page 8, by deleting lines 14 and 15 and inserting: "*sections 2 to 13, inclusive, of this act.*".

Amend sec. 15, page 9, by deleting lines 11 and 12 and inserting: "*sections 2 to 13, inclusive, of this act.*".

Amend the bill as a whole by deleting sec. 16 and adding:

"Sec. 16. (Deleted by amendment.)".

Amend sec. 23, page 15, by deleting lines 26 and 27 and inserting: "*real property against which a tax lien was sold in a manner that did not comply with the provisions of sections 2 to 13, inclusive, of this act.*".

Amend sec. 24, page 15, line 36, by deleting "*this section,*" and inserting "*NRS 541.230,*".

Amend the title of the bill by deleting the seventh through tenth lines and inserting: "penalties, interest and costs; and providing other matters properly".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

The following amendment was proposed by Assemblyman Parks:

Amendment No. 519.

Amend sec. 2, page 2, line 5, by deleting "*requires, "tax*" and inserting: "*requires:*

1. "Parcel of real property" does not include a single-family residence and the appurtenant land that are occupied by the owner, or one or more owners, and not rented, leased or otherwise made available for exclusive occupancy by a person other than the owner or owners.

2. "Single-family residence" includes:

(a) A single dwelling unit and all land appurtenant thereto.

(b) An individually owned residential unit that is an integral part of a larger complex and all land included in the assessed valuation of the individually owned unit.

3. "Tax".

Amend sec. 14, page 8, line 12, by deleting "*property,*" and inserting: "*property as defined in section 2 of this act,*".

Amend sec. 15, page 9, line 9, by deleting "*property,*" and inserting: "*property as defined in section 2 of this act,*".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblymen Parks, Hettrick, and Buckley.

Amendment adopted on a division of the House.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 148.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in his judgment, the ground water basin is being depleted, the State Engineer in his administrative capacity is herewith empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by him and from which the ground water is being depleted, and in acting on applications to appropriate ground water, he may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. Except as otherwise provided in subsection 5, the State Engineer may:

(a) Issue temporary permits to appropriate ground water which can be limited as to time and which may, except as limited by subsection 4, be revoked if and when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(b) Deny applications to appropriate ground water for any use in areas served by such an entity.

(c) Limit the depth of domestic wells.

(d) Prohibit the drilling of wells for domestic use, as defined in NRS 534.013 and 534.0175, in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom ground water was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the

proposed source of water to which the property will be connected is not more than 180 feet; *and*

(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well-drilling rig . ~~[~~; ~~and~~

~~(c) The holder of the permit will be offered financial assistance to pay at least 50 percent but not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water.~~

~~In a basin that has a water authority that has a ground water management program, the State Engineer shall not revoke the temporary permit unless the water authority abandons and plugs the well and pays the costs related thereto. If there is not a water authority in the basin that has a ground water management program, the person shall abandon and plug his well in accordance with the rules of the State Engineer.]~~

5. The State Engineer may, in an area in which he has issued temporary permits pursuant to subsection 3, limit the depth of a domestic well pursuant to paragraph (c) of subsection 3 or prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; *and*

(b) The deepening or repair of the well would require the use of a well-drilling rig . ~~[~~; ~~and~~

~~(c) The person proposing to deepen or repair the well will be offered financial assistance to pay at least 50 percent but not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water.~~

~~In a basin that has a water authority that has a ground water management program, the State Engineer shall not prohibit the deepening or repair of a well unless the water authority abandons and plugs the well and pays the costs related thereto. If there is not a water authority in the basin that has a ground water management program, the person shall abandon and plug his well in accordance with the rules of the State Engineer.]~~

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. Nothing in this section prohibits the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 2. Section 14 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2388, is hereby amended to read as follows:

Sec. 14. Money collected pursuant to section 13 of this act must be used to:

1. Develop and distribute information promoting education and the conservation of ground water in the Basin.

2. Perform such comprehensive inventories of wells of all types located within the Basin as may be needed. Such inventories must be done in conjunction with the State Engineer.

3. Prepare, for use by the Advisory Committee, such cost-benefit analyses relating to the recharge and recovery or underground storage and recovery of water in the Basin as may be needed.

4. Develop recommendations for additional activities for the management of the Basin and the protection of the aquifer in which the Basin is located, and to conduct such activities if the activities have been approved by the Board of Directors.

5. Develop and implement a program to provide financial assistance to *pay at least 50 percent but not more than 85 percent of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water, as determined by the Southern Nevada Water Authority, to* owners of real property served by:

(a) Domestic wells; or

(b) Wells that are operated pursuant to temporary permits,

~~[in existence before October 1, 1999,]~~ who are required by the State Engineer to connect the real property to a public water system ~~[.]~~ *pursuant to NRS 534.120.*

6. *Pay the costs associated with abandoning and plugging wells on the real property of persons who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.*

7. Perform such other duties as are necessary for the Southern Nevada Water Authority and the Advisory Committee to carry out the provisions of this act.".

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding a new section designated sec. 5, following sec. 2, to read as follows:

"Sec. 5. The State Engineer shall review whether his administrative powers in basins designated pursuant to NRS 534.030 are sufficient for the essential welfare of those basins and on or before February 1, 2005, shall provide to the Director of the Legislative Counsel Bureau for transmission to the 73rd Session of the Nevada Legislature a report identifying any additional administrative powers, including, without limitation, the ability to assess a monetary penalty, that he believes are necessary to enable him to carry out his duties with respect to those basins.".

Amend the title of the bill by deleting the seventh line and inserting:

"of certain wells; transferring the authority to provide financial assistance for the connection of certain property previously served by domestic wells to public water systems from certain local governmental entities to the Southern Nevada Water Authority; and providing other matters properly".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning domestic wells and temporary permits for appropriation of ground water. (BDR 47-654)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 272.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 278.261 is hereby amended to read as follows:

278.261 1. In a county with a population of 400,000 or more, the governing body *may designate as a rural preservation neighborhood a subdivided or developed area:*

(a) Which consists of at least 160 acres, not more than one-third of the boundaries of which are within 330 feet from an existing or proposed street or highway that is 120 feet or more in width;

(b) Which consists of 10 or more residential dwelling units;

(c) Which is rural both as to the character of the area and as to the lifestyle of the residents of the area;

(d) Where the outer boundary of each lot that is used for residential purposes is not more than 330 feet from the outer boundary of any other lot that is used for residential purposes;

(e) Which has no more than two residential dwelling units per acre;

(f) In which residents are allowed to raise or keep animals noncommercially; and

(g) In which open space, the natural landscape and vegetation predominate in comparison to structures and the artificially landscaped environment.

2. If a governing body designates a subdivided or developed area as a rural preservation neighborhood pursuant to subsection 1, the governing body shall take such actions as are necessary and appropriate to ensure that the rural character of ~~[each]~~ *the* rural preservation neighborhood is preserved ~~[.~~

~~2. Unless a rural preservation neighborhood is located within 330 feet of an existing or proposed street or highway that is more than 99 feet wide, the governing body shall, to the extent practicable, adopt~~] *, including, without limitation, adopting* any zoning regulation or restriction that is necessary to:

(a) Maintain the rural character of the area developed as a low density residential development;

(b) Except as otherwise provided in subsection 4, ensure that the average residential density for that portion of the zoning request that is located within 330 feet of a rural preservation neighborhood does not exceed three residential dwelling units per acre; and

(c) Provide adequate buffer areas, adequate screening and an orderly and efficient transition of land uses, excluding raising or keeping animals commercially or noncommercially.

3. The governing body may modify the standards for the development of infrastructure to maintain the rural character of the rural preservation neighborhood.

4. The governing body may, for good cause shown, allow a greater density or intensity of use when that use is less than 330 feet from a rural preservation neighborhood.

5. The governing body shall review the designation of each rural preservation neighborhood to determine whether the neighborhood continues to meet the requirements of subsection 1 each time the applicable master plan is reviewed or revised, but in no case may the review required pursuant to this subsection be carried out less frequently than once during each 5-year period following the designation of a rural preservation neighborhood pursuant to subsection 1. If, after a review carried out pursuant to this subsection, the governing body determines that a rural preservation neighborhood no longer meets the requirements of subsection 1, the governing body may revoke the designation of the area as a rural preservation neighborhood.".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. NRS 278.0177 is hereby repealed.

Sec. 4. The provisions of NRS 278.261, as amended by section 1 of this act, apply to a rural preservation neighborhood in existence on July 1, 2003.".

Amend the bill as a whole by adding the text of the repealed section to read as follows:

"

TEXT OF REPEALED SECTION

278.0177 "Rural preservation neighborhood" defined. "Rural preservation neighborhood" means a subdivided or developed area:

1. Which consists of 10 or more residential dwelling units;

2. Where the outer boundary of each lot that is used for residential purposes is not more than 330 feet from the outer boundary of any other lot that is used for residential purposes;

3. Which has no more than two residential dwelling units per acre; and

4. Which allows residents to raise or keep animals noncommercially.".

Amend the title of the bill to read as follows:

"AN ACT relating to rural preservation neighborhoods; revising the requirements for the protection of an area as a rural preservation neighborhood; requiring that the designation of an area as a rural preservation neighborhood be reviewed periodically; authorizing a governing body to revoke the designation of an area as a rural preservation neighborhood under certain circumstances; eliminating the prospective expiration of certain provisions for the protection of rural preservation neighborhoods; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Eliminates prospective expiration of provisions for protection of rural preservation neighborhoods and revises provisions relating to protection of rural preservation neighborhoods. (BDR 22-919)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 295.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 399.

Amend the bill as a whole by renumbering section 1 as sec. 6 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, the governing body of a local government may deem a person to be qualified to bid on contracts for public works of the local government if the person has been determined pursuant to NRS 338.1379 by:*

1. The State Public Works Board to be qualified to bid on contracts for public works of the State pursuant to the criteria set forth in NRS 338.1375; or

2. The governing body of another local government to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

Sec. 3. *1. Before the governing body of a local government accepts applications pursuant to NRS 338.1379, the governing body must, in accordance with subsection 2, advertise in a newspaper that is:*

(a) Qualified pursuant to the provisions of chapter 238 of NRS; and

(b) Published in a county in which the contracts for the potential public works will be performed or, if no qualified newspaper is published in that county, published in a qualified newspaper that is published in the State of Nevada and which has a general circulation in the county in which the contracts for the potential public works will be performed.

2. An advertisement required pursuant to subsection 1:

(a) Must be published at least once not less than 21 days before applications are to be submitted to the governing body; and

(b) Must include:

(1) A description of the potential public works for which applications to qualify as a bidder are being accepted;

(2) The time and place at which applications are to be submitted to the governing body;

(3) The place at which applications may be obtained; and

(4) Any other information that the governing body deems necessary.

Sec. 4. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a workman or workmen employed by them on public works by the day and not under a contract in writing.

2. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

3. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or is licensed as a professional engineer pursuant to chapter 625 of NRS.

4. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

5. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 *or section 2 of this act* or was exempt from meeting such qualifications pursuant to NRS 338.1383.

6. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

7. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

8. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

9. "Prime contractor" means a person who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his own workforce to perform all or a part of the construction, repair or reconstruction of the project; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

10. "Public body" means the State, county, city, town, school district or any public agency of this state or its political subdivisions sponsoring or financing a public work.

11. "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities which are financed in whole or in part by public money;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public funds; and

(10) All other publicly owned works and property whose cost as a whole exceeds $20,000. Each separate unit that is a part of a project is included in the cost of the project to determine whether a project meets that threshold.

(b) A building for the University and Community College System of Nevada of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this state or from federal money.

12. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

13. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

14. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

15. "Workman" means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman. The term does not include a design professional.

Sec. 5. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government shall award a contract for the construction, alteration or repair of a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive ~~[.]~~ *, and sections 2 and 3 of this act;* or

(b) NRS 338.143 to 338.148, inclusive.

2. The provisions of NRS 338.1375 to 338.1383, inclusive, and 338.139 do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.".

Amend section 1, page 1, line 4, by deleting "338.1383," and inserting: "338.1383 ~~[,]~~ *and section 2 of this act,*".

Amend section 1, page 1, line 5, by deleting "*by ordinance*".

Amend section 1, page 3, line 5, by deleting "*and*".

Amend section 1, page 3, by deleting lines 6 and 7 and inserting:

"*10. Whether the applicant has been disciplined or fined by the State Contractors' Board or*".

Amend section 1, page 3, line 8, by deleting "*that relate*" and inserting: "*for conduct that relates*".

Amend section 1, page 3, line 10, by deleting "*government.*" and inserting: "*government;*

11. Whether, during the 5 years immediately preceding the date of application, the applicant has filed as a debtor under the provisions of the United States Bankruptcy Code;

12. Whether the application of the applicant is truthful and complete; and

13. Whether, during the 5 years immediately preceding the date of application, the applicant has, as a result of causes within the control of the applicant or a subcontractor or supplier of the applicant, failed to perform any contract:

(a) In the manner specified by the contract and any change orders initiated or approved by the person or governmental entity that awarded the contract or its authorized representative;

(b) Within the time specified by the contract unless extended by the person or governmental entity that awarded the contract or its authorized representative; or

(c) For the amount of money specified in the contract or as modified by any change orders initiated or approved by the person or governmental entity that awarded the contract or its authorized representative.

Evidence of the failures described in this subsection may include, without limitation, the assessment of liquidated damages against the applicant, the forfeiture of any bonds posted by the applicant, an arbitration award granted against the applicant or a decision by a court of law against the applicant.".

Amend the bill as a whole by adding new sections designated sections 7 through 14, following section 1, to read as follows:

"Sec. 7. NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1383 ~~[,]~~ *and section 2 of this act,* a person who wishes to qualify as a bidder on a contract for a public work must submit an application to the State Public Works Board or the governing body.

2. Upon receipt of an application pursuant to subsection 1, the State Public Works Board or the governing body shall:

(a) Investigate the applicant to determine whether he is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 30 days after receipt of the application.

3. The State Public Works Board or the governing body shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of his right to a hearing pursuant to NRS 338.1381.

4. The State Public Works Board or the governing body of a local government may determine an applicant is qualified to bid:

(a) On a specific project;

(b) On more than one project over a period of 12 months; or

(c) On more than one project over a period of 24 months.

5. The State Public Works Board shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. The governing body of a local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the State Public Works Board or a governing body to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

Sec. 8. NRS 338.1383 is hereby amended to read as follows:

338.1383 ~~[If]~~ *Except as otherwise provided in section 2 of this act, if* a local government does not adopt criteria for the qualification of bidders on a public work pursuant to NRS 338.1377, the governing body may only accept a bid on a contract for a public work from a person who holds:

1. An unlimited contractor's license issued by the State Contractors' Board in the branch of general engineering contracting or general building contracting, or in both branches, and:

(a) At the time he submits his bid, he provides a bid bond equal to 10 percent of the amount of the bid; and

(b) At the time the contract is awarded, he provides a performance bond, a labor and material bond and a guaranty bond, each equal to 100 percent of the amount of the contract; or

2. A contractor's license issued by the State Contractors' Board that is designated in any classification if he:

(a) Has, in the 5 years immediately preceding the submission of the bid, been found to be a responsible contractor in the classification in which his contractor's license is designated;

(b) Provides a bid bond, a performance bond, a guaranty bond, and a labor and material bond in such amounts as the governing body may require; and

(c) Employs a person determined by the State Contractors' Board to be qualified to supervise each classification of construction upon which the person submitting the bid is bidding.

Sec. 9. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 7 and NRS 338.1906 and 338.1907, this state, or a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents the State or the local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 7, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Each advertisement for bids must include a provision that sets forth:

(a) The requirement that a contractor must be qualified pursuant to NRS 338.1379 *or section 2 of this act* to bid on the contract or must be exempt from meeting such qualifications pursuant to NRS 338.1383; and

(b) The period during which an application to qualify as a bidder on the contract must be submitted.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons

desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 ~~[,]~~ *or section 2 of this act,* unless the bidder is exempt from meeting such qualifications pursuant to NRS 338.1383;

(b) The bidder is not responsive;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(d) The public interest would be served by such a rejection.

6. Before the State or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the State or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the State or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the State or the local government expects to save by rejecting the bids and performing the project itself.

7. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; or

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727.

Sec. 10. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 8, this state, or a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or

repair of a public work who represents the State or the local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 8, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Each advertisement for bids must include a provision that sets forth:

(a) The requirement that a contractor must be qualified pursuant to NRS 338.1379 *or section 2 of this act* to bid on the contract or must be exempt from meeting such qualifications pursuant to NRS 338.1383; and

(b) The period during which an application to qualify as a bidder on the contract must be submitted.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 ~~[,]~~ *or section 2 of this act,* unless the bidder is exempt from meeting such qualifications pursuant to NRS 338.1383;

(b) The bidder is not responsive;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(d) The public interest would be served by such a rejection.

6. Before the State or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the State or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the State or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the State or the local government expects to save by rejecting the bids and performing the project itself.

7. In preparing the estimated cost of a project pursuant to subsection 6, the State or a local government must include the fair market value of, or, if known, the actual cost of, all materials, supplies, labor and equipment to be used for the project.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; or

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; or

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive.

Sec. 11. NRS 338.1387 is hereby amended to read as follows:

338.1387 1. A public body awarding a contract for a public work shall not award the contract to a person who, at the time of the bid, is not properly licensed under the provisions of chapter 624 of NRS or if the contract would exceed the limit of his license. A subcontractor named by the contractor who is not properly licensed for that portion of the work shall be deemed unacceptable. If the subcontractor is deemed unacceptable, the contractor shall provide an acceptable subcontractor before the award of the contract.

2. If, after awarding the contract, the public body discovers that the person to whom the contract was awarded is not licensed, or that the contract would exceed his license, the public body shall reject the bid and may accept the next lowest bid for that public work from a responsive bidder who was determined by the public body to be a qualified bidder pursuant to NRS 338.1379 *or section 2 of this act* or was exempt from meeting such qualifications pursuant to NRS 338.1373 or 338.1383 without requiring that new bids be submitted.

Sec. 12. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in NRS 338.1385 and 338.1711 to 338.1727, inclusive, a public body shall award a contract for a public work to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, for the purposes of this section, a contractor who:

(a) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 *or section 2 of this act* or is exempt from meeting such requirements pursuant to NRS 338.1373 or 338.1383; and

(b) At the time he submits his bid, provides to the public body a copy of a certificate of eligibility to receive a preference in bidding on public works issued to him by the State Contractors' Board pursuant to subsection 3 or 4, shall be deemed to have submitted a better bid than a competing contractor who has not provided a copy of such a valid certificate of eligibility if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this state:

(a) Paid directly, on his own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this state:

(a) Paid directly, on his own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this state by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this state by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the annual renewal of his contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain his eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless he reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, he must submit a separate application for each license pursuant to which he wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work. The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than $250,000.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of subsection 2 apply only if both or all of the joint venturers separately meet the requirements of that subsection.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid or proposal on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body at or after the time at which the contractor submitted the bid or proposal to the public body and before the time at which the public body awards the contract for which the bid or proposal was submitted.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence,

the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and may proceed to award the contract accordingly.

Sec. 13. NRS 338.141 is hereby amended to read as follows:

338.141 1. Except as otherwise provided in subsection 2, each bid submitted to any officer, department, board or commission for the construction of any public work or improvement must include:

(a) The name of each subcontractor who will provide labor or a portion of the work or improvement to the contractor for which he will be paid an amount exceeding 5 percent of the prime contractor's total bid. Within 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing the name of each subcontractor who will provide labor or a portion of the work or improvement to the contractor for which he will be paid an amount exceeding 1 percent of the prime contractor's total bid or $50,000, whichever is greater, and the number of the license issued to the subcontractor pursuant to chapter 624 of NRS. If a contractor fails to submit such a list within the required time, his bid shall be deemed not responsive.

(b) A description of the portion of the work or improvement which each subcontractor named in the bid will complete.

2. The contractor shall list in his bid pursuant to subsection 1 the name of a subcontractor for each portion of the project that will be completed by a subcontractor.

3. A contractor whose bid is accepted shall not substitute any person for a subcontractor who is named in the bid, unless:

(a) The awarding authority objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change; ~~[or]~~

(b) The substitution is approved by the awarding authority or an authorized representative of the awarding authority. The substitution must be approved if the awarding authority or authorized representative of the awarding authority determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the subcontractor with the same general terms that all other subcontractors on the project were offered;

(2) The named subcontractor files for bankruptcy or becomes insolvent; or

(3) The named subcontractor fails or refuses to perform his subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025 ~~[.]~~*; or*

(c) If the awarding body is the governing body of a local government, the awarding authority or an authorized representative of the awarding body, in awarding a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, and sections 2 and 3 of this act:

(1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and

(2) Requests in writing a substitution of the subcontractor.

4. As used in this section, "general terms" means the terms and conditions of a contract that set the basic requirements for a project and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the project that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.

Sec. 14. 1. This section and sections 1 to 9, inclusive, 11, 12 and 13 of this act become effective on October 1, 2003.

2. Section 9 of this act expires by limitation on April 30, 2013.

3. Section 10 of this act becomes effective on May 1, 2013.".

Amend the title of the bill to read as follows:

"AN ACT relating to public works; allowing *the governing body of a local government, in certain circumstances, to deem a person to be qualified to bid on contracts for public works of the local government; establishing requirements relating to the advertisement of the acceptance of certain applications to qualify as a bidder on a contract for a public work;* revising the provisions governing the criteria for determining the qualification of bidders on public works of local governments; expanding the circumstances in which a subcontractor who is named in a bid on a contract for a public work of a local government may be substituted; and providing other matters properly relating thereto.".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 325.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 476.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 482.098 is hereby amended to read as follows:

482.098 "Rebuilt vehicle" means a vehicle ~~[,]~~ *:*

1. That is a salvage vehicle as that term is defined in section 9 of this act, excluding a nonrepairable vehicle; or

2. A vehicle one or more major components of which have been replaced as set forth in this subsection. For the purposes of this ~~[section,]~~ *subsection,*

the requisite major components of a vehicle which must be replaced for a vehicle to be considered rebuilt are the:

~~[1.]~~ *(a)* Cowl assembly;

~~[2.]~~ *(b)* Rear clip assembly;

~~[3.]~~ *(c)* Roof;

~~[4.]~~ *(d)* Floor pan assembly; or

~~[5.]~~ *(e)* Conventional frame coupled with one additional major component.".

Amend section 1, page 2, by deleting lines 11 and 12 and inserting:

"4. The Department shall destroy any plate or plates ~~[, certificate of registration or certificate of ownership that is]~~ *that are* returned in a".

Amend sec. 2, page 2, line 22, by deleting "3" and inserting "2.5".

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5 *1. Except as otherwise provided in subsection 3, if a salvage vehicle is repaired or rebuilt by a garageman or operator of a body shop, the repairs or rebuilding must comply with the standards published and commonly applied in the motor vehicle repair industry.*

2. Except as otherwise provided in subsection 3, if any safety equipment that was present in a motor vehicle at the time it was manufactured is repaired or replaced by a garageman or operator of a body shop, the equipment must be repaired or replaced to the standards published and commonly applied in the motor vehicle repair industry.

3. If a motor vehicle has been in an accident and a garageman or operator of a body shop accepts or assumes control of the motor vehicle to make any repair, the garageman or operator shall:

(a) For a motor vehicle that is equipped with an airbag that has been deployed, replace the airbag in a manner that complies with the standards set forth in 49 C.F.R. § 571.208, Standard No. 208, for such equipment.

(b) For a motor vehicle that is equipped with a seatbelt assembly which requires repair or replacement, repair or replace the seatbelt assembly in a manner that complies with the standards set forth in 49 C.F.R. § 571.209, Standard No. 209, for such equipment.

4. A garageman or operator of a bodyshop who is licensed pursuant to the provisions of chapter 487 of NRS who performs the work required pursuant to this section shall retain a written record of the work, including, without limitation, the date of the repair, rebuilding or replacement, and any identifying information regarding any parts or equipment used in the repair, rebuilding or replacement.".

Amend sec. 5, page 2, line 31, by deleting:

"*the highest of the values*".

Amend sec. 5, page 2, line 34, by deleting "*newspapers.*" and inserting "*newspapers;*".

Amend sec. 5, page 2, line 35, by deleting "*service*" and inserting "*service;*".

Amend sec. 5, page 2, line 38, by deleting "*vehicles.*" and inserting:
"*vehicles; or*

4. A computer-based service commonly used by the insurance industry for the valuation of used motor vehicles.".

Amend sec. 6, page 2, line 45, by deleting "*and*" and inserting "*or*".

Amend sec. 6, page 3, line 2, before "*loss*" by inserting "*total*".

Amend sec. 11, page 3, line 27, before "*concerning*" by inserting:
"*or reasonably should know*".

Amend sec. 11, page 3, line 31, by deleting "*finalizing*" and inserting "*executing*".

Amend sec. 12, page 3, line 40, before "*violates*" by inserting "*knowingly*".

Amend sec. 13, page 4, line 13, by deleting "*are determined*" and inserting:
"*may be allowed*".

Amend sec. 15, page 4, by deleting lines 37 and 38 and inserting:

"*(a) The current published actual retail price of original manufacturer equipment, retail price of new alternative equipment or the actual cost of used parts if new parts are not*".

Amend sec. 16, page 5, by deleting lines 4 through 17 and inserting:

"*(a) The owner of the vehicle;*

(b) The person to whom the vehicle is titled;

(c) An insurance company that acquires the vehicle as a salvage vehicle pursuant to subsection 1 of NRS 487.110; or

(d) A lienholder who acquires title to the vehicle.

2. A properly endorsed title, together with a disclosure of mileage, as required pursuant to the provisions of 49 U.S.C. §§ 32701 et seq. and 49 C.F.R. § 580.5, must be".

Amend sec. 16, page 5, by deleting line 19, and inserting:

"*3. Within 2 days after receiving all necessary documents, the state agency*".

Amend sec. 16, page 5, between lines 35 and 36, by inserting:

"*7. The Department shall not issue a salvage title for a nonrepairable vehicle.*".

Amend sec. 17, pages 5 and 6, by deleting lines 36 through 44 on page 5 and lines 1 through 36 on page 6, and inserting:

"Sec. 17. *1. The Department may refuse to issue a registration or, after notice and hearing, may suspend, revoke or refuse to renew a registration to operate a garage upon any of the following grounds:*

(a) A false statement of a material fact in a certification for a salvage vehicle required pursuant to NRS 487.110.

(b) A false statement or certification for an inspection pursuant to NRS 487.110 which attests to the mechanical fitness or safety of a salvage vehicle.".

Amend sec. 17, page 6, line 37, by deleting "*3.*" and inserting "*2.*".

Amend sec. 20, page 7, line 19, before "*years*" by inserting "*model*".

Amend sec. 20, page 7, line 24, after "*damaged.*" by inserting:

"*For the purposes of this section, the model year of manufacture is calculated based on a year beginning on January 1 of the calendar year in which the damage occurs.*".

Amend sec. 23, pages 9 and 10, by deleting lines 32 through 45 on page 9 and lines 1 through 4 on page 10 and inserting:

"Sec. 23. NRS 487.110 is hereby amended to read as follows:

487.110 1. Except ~~[as otherwise provided in subsection 2, whenever a vehicle subject to registration is sold as salvage:~~

~~(a) As~~] *with respect to a nonrepairable vehicle, when an insurance company acquires a motor vehicle as* a result of a ~~[total loss insurance settlement, the~~] *settlement in which the motor vehicle is determined to be a salvage vehicle, the owner of the motor vehicle who is relinquishing ownership of the motor vehicle shall endorse the title of the motor vehicle and forward the endorsed title to the insurance company. The* insurance company or its authorized agent shall forward the endorsed ~~[ownership certificate or other evidence of~~] title *, together with an application for salvage title* to the state agency within 30 days after receipt ~~[thereof; or~~

~~(b) Because the owner determines that the vehicle is a total loss vehicle, the owner~~] *of the endorsed title.*

2. Except as otherwise provided in subsection 1, before any ownership interest in a salvage vehicle, except a nonrepairable vehicle, may be transferred, the owner or other person to whom the motor vehicle is titled:

(a) If the person has possession of the title to the vehicle, shall forward the ~~[ownership certificate or other evidence of~~] *endorsed* title *, together with an application for salvage title* to the state agency within ~~[120]~~ *30* days after the vehicle is damaged. *becomes a salvage vehicle.*

(b) If the person does not have possession of the title to the vehicle and the title is held by a lienholder, shall notify the lienholder within 10 days after the vehicle becomes a salvage vehicle that the vehicle has become a salvage vehicle. The lienholder shall, within 30 days after receiving such notice, forward the title, together with an application for salvage title, to the state agency.".

Amend sec. 23, page 10, line 5, by deleting "*2.*" and inserting "*3.*".

Amend sec. 23, page 10, by deleting line 11 and inserting:

"*4.* An owner who has determined that a vehicle is a total loss *salvage*".

Amend sec. 23, page 10, by deleting line 13 and inserting:

"~~certificate or other evidence of~~] title *obtained pursuant to this section, without making any repairs to the vehicle,* to a salvage pool, automobile".

Amend sec. 23, page 10, line 25, by deleting "*4.*" and inserting "*5.*".

Amend sec. 23, page 10, line 30, after "documents" by inserting:

"*, including, without limitation, an affidavit from the state agency attesting to the inspection and verification of the vehicle identification number and the identification numbers, if any, for parts used to repair the motor vehicle*".

Amend sec. 23, page 10, line 34, by deleting "*5.*" and inserting "*6.*".

Amend sec. 23, page 10, line 37, after "*person,*" by inserting:
"*before the execution of the total loss settlement,*".

Amend sec. 23, page 11, line 3, by deleting "*6.*" and inserting "*7.*".

Amend sec. 23, page 11, line 8, by deleting "*7.*" and inserting "*8.*".

Amend sec. 23, page 11, line 9, by deleting "*5*" and inserting "*6*".

Amend sec. 25, pages 11 and 12, by deleting lines 42 through 45 on page 11 and lines 1 through 6 on page 12 and inserting:
"*indicate that the motor vehicle has been repaired to the standards*".

Amend sec. 27, page 13, line 37, after "total loss" by inserting "*salvage*".

Amend sec. 31, page 15, line 4, by deleting:
"of ownership thereto" and inserting:
"~~[of ownership thereto]~~ *pursuant to section 14 of this act, if applicable,*".

Amend sec. 31, page 15, line 10, after "inclusive." by inserting:
"*Before such a person may sell the vehicle, he shall obtain a certificate pursuant to section 14 of this act, if applicable, or a salvage title as provided in section 16 of this act.*"

Amend the title of the bill by deleting the first line and inserting:

"AN ACT relating to motor vehicles; requiring certain replacement and repairs if an airbag or seatbelt assembly in a vehicle has sustained certain damages; imposing certain restrictions".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 196.

Amend section 1, page 2, line 2, by deleting "9," and inserting "8,".

Amend the bill as a whole by deleting sections 2 and 3 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. *"Disability" means, with respect to a person:*

1. A physical or mental impairment that substantially limits one or more of the major life activities of the person;

2. A record of such an impairment; or

3. Being regarded as having such an impairment.

Sec. 3. *"Service animal in training" means an animal that is being trained to assist or accommodate a person with a disability.*".

Amend sec. 5, page 2, line 33, by deleting "*other than*" and inserting:
"*, including, without limitation,*".

Amend sec. 6, page 3, line 4, by deleting "*dog*" and inserting "*animal*".

Amend sec. 7, page 4, by deleting lines 4 through 20.

Amend sec. 7, page 4, line 21, by deleting "*5.*" and inserting "*3.*".

Amend sec. 7, page 4, line 25, by deleting "*6.*" and inserting "*4.*".

Amend sec. 7, page 4, line 33, by deleting "*7.*" and inserting "*5.*".

Amend the bill as a whole by deleting sec. 9 and renumbering sec. 10 as sec. 9.

Amend sec. 10, page 5, line 35, by deleting "*section 2*" and inserting: "*sections 2 and 3*".

Amend the bill as a whole by deleting sections 11 through 16, renumbering sections 17 through 28 as sections 12 through 23 and adding new sections designated sections 10 and 11, following sec. 10, to read as follows:

"Sec. 10. NRS 426.097 is hereby amended to read as follows:

426.097 "Service animal" means an animal ~~[which]~~ *that* has been ~~[or is being]~~ trained to ~~[provide a specialized service to a handicapped person by a school that is approved by the Division to train such an animal.]~~ *assist or accommodate a person with a disability.*

Sec. 11. NRS 426.695 is hereby amended to read as follows:

426.695 Blind persons who operate a vending stand pursuant to the provisions of NRS 426.630 to 426.720, inclusive, may keep a ~~[guide dog or other]~~ service animal with them at all times on the premises where that vending stand is located.".

Amend sec. 18, pages 7 and 8, by deleting lines 44 and 45 on page 7 and lines 1 through 6 on page 8, and inserting:

"484.328 1. A ~~[blind]~~ person *with a disability* who is on foot and using a ~~[guide dog or other]~~ service animal or ~~[carrying]~~ *an appliance to accommodate his disability, including, without limitation,* a cane or walking stick *that is* white in color, or white tipped with red, has the right-of-way when entering or when on a highway, street or road of this state. Any driver of a vehicle who approaches or encounters such a ~~[blind]~~ person *with a disability* shall yield the right-of-way, come to a full stop, if necessary, and take precautions before proceeding to avoid accident or injury to the ~~[blind person.]~~ *person with a disability.*".

Amend sec. 18, page 8, between lines 11 and 12, by inserting:

"*3. As used in this section:*

(a) "Disability" has the meaning ascribed to it in section 2 of this act.

(b) "Service animal" has the meaning ascribed to it in NRS 426.097.".

Amend sec. 19, page 8, line 14, by deleting "companionship or" and inserting "~~[companionship or]~~".

Amend sec. 19, page 8, by deleting lines 22 and 23 and inserting:

"service animal ~~[,]~~ *or a service animal in training,* as those terms are defined ~~[in chapter 426 of NRS.]~~ *in NRS 426.097 and section 3 of this act, respectively.*".

Amend sec. 20, page 9, by deleting lines 24 through 35 and inserting:

"committee to discriminate against a person with ~~[physical, aural or visual disabilities]~~ *a disability* by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a ~~[guide dog, hearing dog,~~

~~helping dog or other]~~ service animal ~~[,]~~ *or a service animal in training,* by such a person.

6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to ~~[permit]~~ *allow* an employee with a ~~[visual or aural]~~ disability to keep his ~~[guide dog, hearing dog or other]~~ service animal *or service animal in training* with him at all times in his place of employment.

7. ~~[For the purposes of]~~ *As used in* this section ~~[, the terms "guide dog," "hearing dog," "helping dog" and "service animal" have the meanings]~~ *:*

(a) "Service animal" has the meaning ascribed to ~~[them respectively]~~ *it* in NRS ~~[426.075, 426.081, 426.083 and]~~ 426.097.

(b) "Service animal in training" has the meaning ascribed to it in section 3 of this act.".

Amend sec. 21, page 10, line 22, after "*person*" by inserting "*or party*".

Amend sec. 21, page 11, line 34, by deleting "*2*" and inserting "*3*".

Amend sec. 26, page 14, line 11, by deleting "*2*" and inserting "*3*".

Amend sec. 27, page 15, line 17, by deleting "*2*" and inserting "*3*".

Amend sec. 28, page 15, line 18, by deleting "118.105 is" and inserting: "118.105, 426.075, 426.081, 426.083, 426.085, 426.091, 426.095, 426.510, 426.515 and 426.560 are".

Amend the bill as a whole by deleting sections 29 and 30 and adding a new section designated sec. 24, following sec. 28, to read as follows:

"Sec. 24. This act becomes effective on July 1, 2003.".

Amend the bill as a whole by deleting the text of the repealed section and adding the leadlines of repealed sections to read as follows:

"

LEADLINES OF REPEALED SECTIONS

118.105 Refusal to rent dwelling because of service animal prohibited.

426.075 "Guide dog" defined.

426.081 "Hearing dog" defined.

426.083 "Helping dog" defined.

426.085 "School for guide dogs" defined.

426.091 "School for hearing dogs" defined.

426.095 "School for helping dogs" defined.

426.510 Restrictions on use of white or metallic cane, blaze orange leash, guide dog, hearing dog, helping dog or other service animal; penalty; duties of pedestrian.

426.515 Failure to use cane, leash, dog or other service animal as evidence of contributory negligence in action against carrier or place of public accommodation.

426.560 Regulations.".

Amend the title of the bill to read as follows:

"AN ACT relating to persons with disabilities; prohibiting certain acts concerning persons with disabilities, service animals and service animals in training; revising certain provisions governing service animals and service

animals in training; providing civil and criminal penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to persons with disabilities, service animals and service animals in training. (BDR 38-1)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 241.

Amend section 1, page 2, by deleting lines 1 through 6 and inserting:

"*2. If a physician is aware that a person has violated subsection 1 after the physician has informed the person pursuant to NRS 439.270 that the person's condition would severely impair his ability to operate safely a motor vehicle, the physician may, without the consent of the person, submit a written report to the Department that includes the name, address and age of the person. A report received by the Department pursuant to this subsection:*

(a) Is confidential, except that the contents of the report may be disclosed to the person about whom the report is made;

(b) May include the statement maintained by the physician pursuant to subsection 4 of NRS 439.270; and

(c) May be used by the Department solely for the purpose of determining the eligibility of the person about whom the report is made to operate safely a motor vehicle.

3. The submission by a physician of a report pursuant to subsection 2 is solely within his discretion. No cause of action may be brought against a physician based on the fact that he did not submit such a report.

4. No cause of action may be brought against a physician based on the fact that he did submit a report pursuant to subsection 2 unless the physician acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.".

Amend sec. 2, page 2, by deleting lines 34 through 36 and inserting:

"8. *As to reports made to the Department of Motor Vehicles pursuant to subsection 2 of section 1 of this act and statements provided to the Department pursuant to NRS 439.270.*".

Amend sec. 4, page 3, line 35, by deleting "*Upon*".

Amend sec. 4, page 3, by deleting lines 36 and 37 and inserting:

"*5. A physician may, upon the request of the Department of Motor Vehicles, provide to the Department a copy of a statement signed by a patient pursuant to subsection 2 or a statement signed by a physician pursuant to*

subsection 3. A statement received by the Department pursuant to this subsection:

(a) Is confidential, except that the contents of the statement may be disclosed to the patient; and

(b) May be used by the Department solely for the purpose of determining the eligibility of the patient to operate safely a motor vehicle.

6. The provision by a physician of a copy of a statement pursuant to subsection 5 is solely within his discretion. No cause of action may be brought against a physician based on the fact that he chose not to provide such a copy.

7. No cause of action may be brought against a physician based on the fact that he did provide a copy of a statement pursuant to subsection 5 unless the physician acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.".

Amend sec. 4, page 3, line 38, by deleting "*5.*" and inserting "*8.*".

Amend the title of the bill to read as follows:

"AN ACT relating to public safety; authorizing physicians, under certain circumstances, to report to the Department of Motor Vehicles certain information regarding patients who have epilepsy; abolishing the related duty of physicians to report certain patient information; requiring physicians to inform certain patients with epilepsy of the dangers of operating a motor vehicle; providing that certain reports and statements provided to the Department concerning patients with epilepsy are not subject to the doctor-patient privilege under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing reporting of information by physicians to Department of Motor Vehicles concerning certain patients with epilepsy. (BDR 43-1166)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Goldwater, Anderson, and Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 515.

Amend section 1, pages 1 and 2, by deleting lines 8 through 10 on page 1 and lines 1 through 3 on page 2, and inserting:

"*2. No claim may be filed more than 3 years after the commission of the act on which the claim is based. Upon receipt of a claim, the Director shall notify the person who brought the claim that a bond is in effect or that a deposit has been made, and the amount of either.*

3. If the Director desires to make payment without awaiting court action, the amount of the bond or deposit must be reduced to the extent of any payment that the Director in good faith makes from the deposit or directs the surety to make from the bond. Any payment must be based on written claims received by the Director before the court action.

4. The Director may bring an action for interpleader against all claimants under the bond or deposit. If an action for interpleader is commenced, the Director must serve each known claimant and publish notice of the action at least once each week for 2 weeks in a newspaper of general circulation in the county where the dealer, distributor, manufacturer, rebuilder, representative or salesman has his principal place of business. The Director is entitled to deduct his costs of the action, including attorney's fees and publication, from the deposit or direct the surety to pay such costs from the bond.

5. Claims, other than claims filed by consumers, must not be paid from the bond or deposit until 3 years after the commission of the act on which the claim was based.".

Amend section 1, page 2, line 4, by deleting "*3*." and inserting "*6.*".

Amend section 1, page 2, line 12, by deleting "*4*." and inserting *"7.*".

Amend section 1, page 2, line 20, by deleting "*5.*" and inserting "*8.*".

Amend section 1, page 2, line 25, by deleting "*6.*" and inserting "*9.*".

Amend section 1, page 2, line 30, by deleting "*7.*" and inserting "*10.*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 532.

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. Chapter 704 is hereby amended by adding thereto a new section to read as follows:

For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system.".

Amend sec. 6, page 4, by deleting lines 15 and 16, and inserting:

"2. Has a generating capacity of not more than ~~[10]~~ *30* kilowatts;".

Amend the bill as a whole by deleting sec. 7, renumbering sec. 8 as sec. 9 and adding a new section designated sec. 8, following sec. 6, to read as follows:

"Sec. 8. NRS 704.7801 is hereby amended to read as follows:

704.7801 As used in NRS 704.7801 to 704.7828, inclusive, *and section 6 of this act,* unless the context otherwise requires, the words and terms defined in NRS 704.7805 to 704.7818, inclusive, have the meanings ascribed to them in those sections.".

Amend sec. 8, page 5, between lines 9 and 10, by inserting:

"*3. As used in this section, "waterpower" means power derived from standing, running or falling water which is used for any plant, facility, equipment or system to generate electricity if the generating capacity of the plant, facility, equipment or system is not more than 30 megawatts. Except as otherwise provided in this subsection, the term includes, without limitation, power derived from water that has been pumped from a lower to a higher elevation. The term does not include power:*

(a) Derived from water stored in a reservoir by a dam or similar device, unless:

(1) The water is used for irrigation; and

(2) The dam or similar device was in existence on January 1, 2003;

(b) That requires a new or increased appropriation or diversion of water for its creation; or

(c) That requires the use of any fossil fuel for its creation, unless the primary purpose of the use of the fossil fuel is not the creation of the power.".

Amend the bill as a whole by deleting sec. 9, renumbering sections 10 and 11 as sections 12 and 13 and adding new sections designated sections 10 and 11, following sec. 8, to read as follows:

"Sec. 10. NRS 704.7815 is hereby amended to read as follows:

704.7815 "Renewable energy system" means:

1. A facility or energy system that:

(a) Uses renewable energy to generate electricity; and

(b) Transmits or distributes the electricity that it generates from renewable energy via:

(1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service; or

(2) A power line which is shared with not more than one facility or energy system generating electricity from nonrenewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service.

2. A solar ~~[thermal]~~ energy system that reduces the consumption of ~~[electricity.]~~ *electricity, natural gas or propane.*

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.

Sec. 11. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard for renewable energy. The portfolio standard must require each provider to generate or acquire electricity from renewable energy systems in an amount that is:

(a) For calendar years 2003 and 2004, not less than 5 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(b) For calendar years 2005 and 2006, not less than 7 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(c) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(d) For calendar years 2009 and 2010, not less than 11 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(e) For calendar years 2011 and 2012, not less than 13 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(f) For calendar year 2013 and for each calendar year thereafter, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate or acquire from renewable energy systems during each calendar year, not less than 5 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) If the provider acquires electricity from a renewable energy system pursuant to a renewable energy contract with another party:

(1) The term of the renewable energy contract must be not less than 10 years, unless the other party agrees to a renewable energy contract with a shorter term; and

(2) The terms and conditions of the renewable energy contract must be just and reasonable, as determined by the Commission. If the provider is a public utility and the Commission approves the terms and conditions of the renewable energy contract between the provider and the other party, the renewable energy contract and its terms and conditions shall be deemed to be a prudent investment and the provider may recover all just and reasonable costs associated with the renewable energy contract.

3. If, for the benefit of one or more of its retail customers in this state, the provider has subsidized, in whole or in part, the acquisition or installation of a solar ~~[thermal]~~ energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction

in the consumption of electricity during each calendar year that results from the solar ~~[thermal]~~ energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission may adopt regulations that establish a system of renewable energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of renewable energy credits, the provider shall take actions to acquire electricity pursuant to one or more renewable energy contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity made available to the provider pursuant to renewable energy contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

7. The Commission shall adopt regulations for the determination of just and reasonable terms and conditions for the renewable energy contracts that a provider of electric service must enter into to comply with its portfolio standard.

8. As used in this section:

(a) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(b) "Terms and conditions" includes, without limitation, the price that a provider of electric service must pay to acquire electricity pursuant to a renewable energy contract.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 512.

Amend sec. 2, page 2, by deleting lines 26 through 44 and inserting: "*The System shall provide to the Public Employees' Benefits Program written notice regarding a change in the payment status of a recipient of benefits provided pursuant to this chapter that affects the eligibility of the recipient to*

participate in the Program. Such notice must be provided by the System to the Program, in a format agreed upon by the System and the Program, within 30 calendar days after the System is notified of the change in payment status.".

Amend sec. 3, page 3, by deleting lines 4 through 6 and inserting:

"or employee of ~~[the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other public agency of the State of Nevada,]~~ *a governmental entity enumerated in subsection 1 of NRS 287.023,*".

Amend sec. 24, page 18, by deleting lines 30 and 31 and inserting: "the premiums or contributions for the Program for persons *who have* retired ~~[from the service of the State who have continued]~~ *with state service and who*".

Amend the title of the bill by deleting the twelfth and thirteenth lines and inserting:

"providing that the subsidy paid by the State of Nevada for coverage by the Program of retirees applies to any retired public officer or employee with state service; limiting that subsidy to years of state".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to Concurrent Committee on Ways and Means.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 358, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 358, 384, and 514 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 358.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 536.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "2 to 5, inclusive,".

Amend sec. 2, page 2, by deleting lines 5 through 19 and inserting:

"*3. Except as otherwise provided in this subsection, the Department may design and prepare a special license plate requested pursuant to subsection 1 if:*

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of section 3 of this act.

The Department shall not design and prepare a special license plate requested pursuant to subsection 1 if the Department receives fewer than 1,000 applications for the issuance of the plate within 2 years after the date on which the Department received the initial application for the design, preparation and issuance of the plate pursuant to subsection 1.

4. Except as otherwise provided in section 5 of this act, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of section 3 of this act; and

(c) Complies with the requirements of subsection 8 of NRS 482.270, for any".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. *1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:*

(a) Five Legislators appointed by the Legislative Commission, one of whom is:

(1) The Legislator who served as the Chairman of the Assembly Standing Committee on Transportation during the most recent legislative session; and

(2) One of whom is the Legislator who served as the Chairman of the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or his designee.

(2) The Director of the Department of Public Safety, or his designee.

(3) The Director of the Department of Cultural Affairs, or his designee.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of section 2 of this act; and

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to section 2 of this act.

In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate.".

Amend sec. 4, pages 3 and 4, by deleting lines 22 through 44 on page 3 and lines 1 through 23 on page 4, and inserting:

"Sec. 5. *1. As used in this section, "special license plate" means:*

(a) A license plate that the Department has designed and prepared pursuant to section 2 of this act in accordance with the system of application and petition described in that section; and

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.37937, 482.37938 or 482.37945.

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 25 separate designs of special license plates.

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to section 2 of this act; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. Except as otherwise provided in subsection 6, if, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to section 2 of this act, less than the number of signatures required pursuant to paragraph (b) of subsection 2 of that section; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than

the number of applications required to be received by the Department for the initial issuance of those plates, the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on October 1 of the year immediately succeeding the year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to section 2 of this act, less than the number of signatures required pursuant to paragraph (b) of subsection 2 of that section; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.".

Amend the bill as a whole by renumbering sec. 5 as sec. 7 and adding a new section designated sec. 6, following sec. 4, to read as follows:

"Sec. 6. NRS 482.1805 is hereby amended to read as follows:

482.1805 1. The Revolving Account for the Issuance of Special License Plates is hereby created as a special account in the Motor Vehicle Fund. An amount equal to $35 of the fee received by the Department for the initial issuance of a special license plate, not including any additional fee which may be added to generate financial support for a particular cause or charitable organization, must be deposited in the Motor Vehicle Fund for credit to the Account.

2. The Department shall use the money in the Account to ~~[pay]~~ *:*

(a) Pay the expenses involved in issuing special license plates ~~[.]~~*; and*

(b) Purchase improved and upgraded technology, including, without limitation, digital technology for the production of special license plates, to ensure that special license plates are produced in the most efficient manner possible.

3. Money in the Account must be used only for the ~~[purpose]~~ *purposes* specified in subsection 2.

4. At the end of each fiscal year, the State Controller shall transfer from the Account to the State Highway Fund an amount of money equal to the balance in the Account which exceeds $50,000.".

Amend the bill as a whole by renumbering sec. 6 as sec. 9 and adding a new section designated sec. 8, following sec. 5, to read as follows:

"Sec. 8. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided *in this section or* by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates with colors that are predominately blue and silver. The Director may substitute white in place of silver when no suitable material is available.

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378 or 482.379, without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this state, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. The letters I and Q must not be used in the designation.

7. Except as otherwise provided in NRS 482.379, all letters and numbers must be of the same size.

8. Each special license plate that is designed, prepared and issued pursuant to section 2 of this act must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (d) of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for coloring, lettering and design that are set forth in this section.".

Amend the bill as a whole by adding a new section designated sec. 10, following sec. 6, to read as follows:

"Sec. 10. 1. This section and section 6 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 7, 8 and 9 of this act become effective on July 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT relating to motor vehicles; providing for the design, preparation and issuance of special license plates by petition to the Department of Motor Vehicles under certain circumstances; imposing a fee for the issuance and renewal of such license plates; setting forth criteria for the design of such license plates; creating and setting forth the powers of the Commission on Special License Plates; limiting the number of different designs of certain special license plates that may be issued by the Department at any one time; providing in certain circumstances for the withdrawal from use of a particular design of special license plate; expanding the purposes for which money in the Revolving Account for the Issuance of Special License Plates may be used; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to certain special license plates. (BDR 43-1140)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 384.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 534.

Amend section 1, page 1, line 3, by deleting "12," and inserting "15,".

Amend sec. 5, page 1, line 11, by deleting "*The*" and inserting:

"*1. Except as otherwise provided in subsection 2, the*".

Amend sec. 5, page 2, line 2, by deleting "*subsection 7*" and inserting: "*paragraph (e) of subsection 1*".

Amend sec. 5, page 2, line 4, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 5, page 2, line 5, by deleting "*11*" and inserting "*12*".

Amend sec. 5, page 2, by deleting line 6 and inserting:

"*(b) Require the person who prescribes the prescription drug to obtain prior authorization before the prescription drug*".

Amend sec. 5, page 2, between lines 7 and 8, by inserting:

"*2. The provisions of this section do not apply to:*

(a) Prescription drugs that are prescribed for the treatment of a mental illness of a patient who is receiving services pursuant to Medicaid other than

prescription antidepressant medications or prescription antianxiety medications, but including, without limitation, prescriptions for atypical and conventional antipsychotic medications and anticonvulsant medications; or

(b) Antiretroviral prescription drugs that are prescribed for a patient who is infected with the human immunodeficiency virus who is receiving services pursuant to Medicaid.

3. As used in this section, "Medicaid" has the meaning ascribed to it in NRS 439B.120.".

Amend sec. 6, page 2, line 9, by deleting "*11*" and inserting "*eight*".

Amend sec. 6, page 2, line 12, by deleting "*Six*" and inserting "*Four*".

Amend sec. 6, page 2, line 13, by deleting "*state;*" and inserting: "*state, one who must be a psychiatrist licensed to practice medicine in this state; and*".

Amend sec. 6, page 2, by deleting lines 18 through 20 and inserting: "*pharmacy licensed in this state.*".

Amend sec. 6, page 2, by deleting lines 28 and 29 and inserting:

"*5. The term of a person appointed to the Committee who fails to satisfy the*".

Amend sec. 7, page 2, line 39, by deleting "*6*" and inserting "*3*".

Amend sec. 9, page 3, line 17, before "*The*" by inserting "*1.*".

Amend sec. 9, page 3, line 18, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 9, page 3, line 21, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 9, page 3, line 24, by deleting "*3.*" and inserting "*(c)*".

Amend sec. 9, page 3, line 26, by deleting "*11*" and inserting "*12*".

Amend sec. 9, page 3, line 27, by deleting "*4.*" and inserting "*(d)*".

Amend sec. 9, page 3, by deleting lines 29 through 40 and inserting: "*each class that is identified for review; and*".

Amend sec. 9, page 3, line 41, by deleting "*7. Identify*" and inserting:

"*(e) Except as otherwise provided in this section, identify*".

Amend sec. 9, page 3, line 43, by deleting "*patient,*" and inserting *patient.*".

Amend sec. 9, pages 3 and 4, by deleting lines 44 and 45 on page 3 and lines 1 through 4 on page 4, and inserting:

"*2. In carrying out its duties set forth in subsection 1, the Committee may consider the effect that its advice, recommendations and decisions may have on persons who receive prescription drugs through a program administered by the Department.*".

Amend sec. 10, page 4, by deleting lines 6 through 16 and inserting:

"*1. In carrying out its duties, exercise clinical judgment and analyze peer review articles, published studies, and other medical and scientific information;*

2. Establish subcommittees to analyze specific issues that arise as the Committee carries out its duties;

3. Hold hearings in connection with its review and analysis; and

4. Direct the Department to assist in its research, review and analysis.".

Amend the bill as a whole by renumbering sections 11 and 12 as sections 12 and 13 and adding a new section designated sec. 11, following sec. 10, to read as follows:

"Sec. 11. *1. The Advisory Committee to the Pharmacy and Therapeutics Committee consisting of three members is hereby created in the Department to advise the Committee concerning prescription drugs that are used by seniors, persons who are mentally ill or persons with disabilities.*

2. The Director of the Department shall appoint to the Advisory Committee:

(a) One member appointed from a list of persons provided to the Department by the American Association of Retired Persons or any successor organization;

(b) One member appointed from a list of persons provided to the Department by the Alliance for the Mentally Ill of Nevada or any successor organization; and

(c) One member appointed from a list of persons provided to the Department by the Statewide Independent Living Council established in this state pursuant to 29 U.S.C. § 796d.

3. The Director shall appoint the Chairman of the Advisory Committee from among its members.

4. After the initial terms, the term of each member of the Advisory Committee is 2 years. A member may be reappointed. A vacancy occurring in the membership of the Advisory Committee must be filled for the remainder of the unexpired term in the same manner as the original appointment.

5. Members of the Advisory Committee serve without compensation, except that a member of the Advisory Committee is entitled, while engaged in the business of the Advisory Committee, to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Each member of the Advisory Committee who is an officer or employee of the State of Nevada or a local government must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or local governmental entity shall not require an officer or employee who is a member of the Advisory Committee to make up the time that he is absent from work to carry out his duties as a member of the Advisory Committee or to use annual vacation or compensatory time for the absence.".

Amend sec. 11, page 4, line 22, by deleting "*subsection 3*" and inserting: "*paragraph (c) of subsection 1*".

Amend sec. 11, page 4, line 26, by deleting "*subsection 3*" and inserting: "*paragraph (c) of subsection 1*".

Amend sec. 11, page 4, line 29, by deleting "*12*" and inserting "*13*".

Amend sec. 12, page 4, line 44, by deleting "*11*" and inserting "*12*".

Amend the bill as a whole by renumbering sections 13 and 14 as sections 18 and 19 and adding new sections designated sections 14 through 17, following sec. 12, to read as follows:

"Sec. 14. *The Department shall use any rebates that it receives from pharmaceutical manufacturers for drugs purchased pursuant to a program administered by the Department in accordance with federal law to:*

1. Offset the costs incurred in providing prescription drugs pursuant to the programs administered by the Department which provide prescription drugs; or

2. Expand the provision of prescription drugs pursuant to the programs administered by the Department which provide prescription drugs.

Sec. 15. *The Department may, to carry out its duties set forth in this chapter and to administer the provisions of this chapter:*

1. Adopt regulations; and

2. Enter into contracts for any services.

Sec. 16. NRS 232.320 is hereby amended to read as follows:

232.320 1. Except as otherwise provided in subsection 2, the Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging Services Division;

(2) The Administrator of the Health Division;

(3) The State Welfare Administrator;

(4) The Administrator of the Division of Child and Family Services; and

(5) The Administrator of the Division of Health Care Financing and Policy.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 210, 423, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.139, inclusive, 444.003 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, *sections 2 to 15, inclusive, of this act,* and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Health Division or the professional line activities of the other divisions.

(c) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this state. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(d) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information to him regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which he deems necessary for his performance of the duties imposed upon him pursuant to this section.

(e) Has such other powers and duties as are provided by law.

2. The Governor shall appoint the Administrator of the Division of Mental Health and Developmental Services.

Sec. 17. The Department of Human Resources shall:

1. On or before July 1, 2004, apply to the Federal Government to amend the State Plan for Medicaid as necessary to ensure that the State Plan for Medicaid is consistent with the provisions of this act.

2. Submit a quarterly report concerning its progress toward preparing, submitting and obtaining federal approval of the amendment described in subsection 1 to the Interim Finance Committee and the Legislative Committee on Health Care, until the date on which the amendment is approved by the Federal Government.".

Amend sec. 13, page 5, line 1, before "As" by inserting "1.".

Amend sec. 13, page 5, line 4, by deleting "1. Three" and inserting "(a) Two".

Amend sec. 13, page 5, line 6, after "year;" by inserting "and".

Amend sec. 13, page 5, line 7, by deleting "2. Three" and inserting "(b) Two".

Amend sec. 13, page 5, by deleting lines 9 through 11 and inserting: "years.

2. As soon as practicable after July 1, 2003, the Director of the Department of Human Resources shall appoint to the Advisory Committee to the Pharmacy and Therapeutics Committee one member to serve an initial term of 1 year and two members to serve initial terms of 2 years.".

Amend the title of the bill by deleting the first through third lines and inserting:

"AN ACT relating to public welfare; requiring the Department of Human Resources to provide that certain prescription drugs provided by a program

administered by the Department must either be on a list of preferred prescription drugs or require prior authorization; creating".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 514.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 352.

Amend the bill as a whole by deleting sections 1 through 22 and adding new sections designated sections 1 through 139 and the leadlines of repealed sections, following the enacting clause, to read as follows:

"Section 1. NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter *360B,* 362, 364A, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 2. NRS 360.489 is hereby amended to read as follows:

360.489 1. In determining the amount of ~~[sales]~~ *:*

(a) Sales tax due on a sale at retail, the rate of tax used must be the sum of the rates of all taxes imposed upon sales at retail in *:*

(1) The county determined pursuant to the provisions of sections 13 to 18, inclusive, of this act; or

(2) If those provisions do not apply to the sale, the county in which the property is or will be delivered to the purchaser or his agent or designee.

~~[2. In determining the amount of use]~~

(b) Use tax due on the purchase of tangible personal property for use, storage or other consumption in this state, the rate of tax used must be the sum of the rates of all taxes imposed upon the use, storage or other consumption of property in *:*

(1) The county determined pursuant to the provisions of sections 13 to 18, inclusive, of this act; or

(2) If those provisions do not apply to the purchase, the county in which the property is first used, stored or consumed.

2. In determining the amount of taxes due pursuant to subsection 1:

(a) The amount due must be computed to the third decimal place and rounded to a whole cent using a method that rounds up to the next cent if the numeral in the third decimal place is greater than 4.

(b) A retailer may compute the amount due on a transaction on the basis of each item involved in the transaction or a single invoice for the entire transaction.

3. On or before January 1 of each year the Department shall transmit to each retailer to whom a permit has been issued a notice which contains the provisions of subsections 1 and 2 and NRS 372.365.

Sec. 3. NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against him which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed, give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this state or any political subdivision or agency of this state, who has in his possession or under his control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his possession or under his control at the time he received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of, and transmit to the Department all such credits, other personal property, or debts in his possession, under his control or owing by him within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him to continue to transmit payments to the Department or that his duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, he is liable to the State for any indebtedness due pursuant to this chapter, or chapter *360B,* 362, 364A, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

Sec. 4. Chapter 360B of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 24, inclusive, of this act.

Sec. 5. *"Purchaser" means a person to whom a sale of tangible personal property is made.*

Sec. 6. *"Registered seller" means a seller registered pursuant to section 9 of this act.*

Sec. 7. *"Retail sale" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.*

Sec. 8. *"Tangible personal property" means personal property which may be seen, weighed, measured, felt or touched, or which is in any other manner perceptible to the senses.*

Sec. 9. *1. The Department shall, in cooperation with any other states that are members of the Agreement, establish and maintain a central, electronic registration system that allows a seller to register to collect and remit the sales and use taxes imposed in this state and in the other states that are members of the Agreement.*

2. A seller who registers pursuant to this section agrees to collect and remit sales and use taxes in accordance with the provisions of this chapter, the regulations of the Department and the applicable law of each state that is a member of the Agreement, including any state that becomes a member of the Agreement after the registration of the seller pursuant to this section. The cancellation or revocation of the registration of a seller pursuant to this section, the withdrawal of a state from the Agreement or the revocation of the Agreement does not relieve a seller from liability pursuant to this subsection to remit any taxes previously or subsequently collected on behalf of a state.

3. When registering pursuant to this section, a seller may:

(a) Elect to use a certified service provider as its agent to perform all the functions of the seller relating to sales and use taxes, other than the obligation of the seller to remit the taxes on its own purchases;

(b) Elect to use a certified automated system to calculate the amount of sales or use taxes due on its sales transactions;

(c) Under such conditions as the Department deems appropriate, elect to use its own proprietary automated system to calculate the amount of sales or use taxes due on its sales transactions; or

(d) Elect to use any other method authorized by the Department for performing the functions of the seller relating to sales and use taxes.

4. A seller who registers pursuant to this section agrees to submit its sales and use tax returns, and to remit any sales and use taxes due, to the Department at such times and in such a manner and format as the Department prescribes by regulation.

5. The registration of a seller and the collection and remission of sales and use taxes pursuant to this section may not be considered as a factor in determining whether a seller has a nexus with this state for the purposes of determining his liability to pay any tax imposed by this state.

Sec. 10. *1. The Department shall post on a website or other Internet site that is operated or administered by or on behalf of the Department:*

(a) The rates of sales and use taxes for this state and for each local government in this state that imposes such taxes. The Department shall identify this state and each local government using the Federal Information Processing Standards developed by the National Institute of Standards and Technology.

(b) Any change in those rates.

(c) Any amendments to the statutory provisions and administrative regulations of this state governing the registration of sellers and the collection of sales and use taxes.

(d) Any change in the boundaries of local governments in this state that impose sales and use taxes.

(e) The list maintained pursuant to section 11 of this act.

(f) Any other information the Department deems appropriate.

2. The Department shall make a reasonable effort to provide sellers with as much advance notice as possible of any changes or amendments required to be posted pursuant to subsection 1 and of any other changes in the information posted pursuant to subsection 1. Except as otherwise provided in section 12 of this act, the failure of the Department to provide such notice and the failure of a seller to receive such notice does not affect the obligation of the seller to collect and remit any applicable sales and use taxes.

Sec. 11. *1. The Department shall maintain a list that denotes for each five-digit and nine-digit zip code in this state the combined rates of sales taxes and the combined rates of use taxes imposed in the area of that zip code, and the applicable taxing jurisdictions. If the combined rate of all the sales taxes or use taxes respectively imposed within the area of a zip code is not the same for the entire area of the zip code, the Department shall denote in the list the lowest combined tax rates for the entire zip code.*

2. If a street address does not have a nine-digit zip code or if a registered seller is unable to determine the nine-digit zip code of a purchaser after exercising due diligence to determine that information, that seller may, except as otherwise provided in subsection 3, apply the rate denoted for the five-digit zip code in the list maintained pursuant to this section. For the purposes of this subsection, there is a rebuttable presumption that a registered seller has exercised due diligence if the seller has attempted to determine the nine-digit zip code of a purchaser by using software approved by the Department which makes that determination from the street address and five-digit zip code of the purchaser.

3. The list maintained pursuant to this section does not apply to and must not be used for any transaction regarding which a purchased product is received by the purchaser at the business location of the seller.

Sec. 12. *The Department shall waive any liability of a registered seller and a certified service provider acting on behalf of a registered seller who, as a result of his reasonable reliance on the information posted pursuant to section 10 of this act or his compliance with subsection 2 of section 11 of this act, collects the incorrect amount of any sales or use tax imposed in this state, for:*

1. The amount of the sales or use tax which the registered seller and certified service provider fail to collect as a result of that reliance; and

2. Any penalties and interest on that amount.

Sec. 13. *As used in sections 13 to 18, inclusive, of this act:*

1. "Receive" means taking possession of or making the first use of tangible personal property, whichever occurs first. The term does not include possession by a shipping company on behalf of a purchaser.

2. "Transportation equipment" means:

(a) Locomotives and railcars used for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors having a manufacturer's gross vehicle weight rating of more than 10,000 pounds, and trailers, semitrailers and passenger buses that are:

(1) Registered pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Operated under the authority of a carrier who is authorized by the Federal Government to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft operated by an air carrier who is authorized by the Federal Government or a foreign government to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached or secured to any of the items described in paragraph (a), (b) or (c).

Sec. 14. *1. Except as otherwise provided in this section, for the purpose of determining the liability of a seller for sales and use taxes, a retail sale shall be deemed to take place at the location determined pursuant to sections 13 to 18, inclusive, of this act.*

2. Sections 13 to 18, inclusive, of this act do not:

(a) Affect any liability of a purchaser or lessee for a use tax.

(b) Apply to:

(1) The retail sale or transfer of watercraft, modular homes, manufactured homes or mobile homes.

(2) The retail sale, other than the lease or rental, of motor vehicles, trailers, semitrailers or aircraft that do not constitute transportation equipment.

Sec. 15. *Except as otherwise provided in sections 13 to 18, inclusive, of this act, the retail sale, excluding the lease or rental, of tangible personal property shall be deemed to take place:*

1. If the property is received by the purchaser at a place of business of the seller, at that place of business.

2. If the property is not received by the purchaser at a place of business of the seller:

(a) At the location indicated to the seller pursuant to any instructions provided for the delivery of the property to the purchaser or to another recipient who is designated by the purchaser as his donee; or

(b) If no such instructions are provided and if known by the seller, at the location where the purchaser or another recipient who is designated by the purchaser as his donee, receives the property.

3. If subsections 1 and 2 do not apply, at the address of the purchaser indicated in the business records of the seller that are maintained in the ordinary course of the seller's business, unless the use of that address would constitute bad faith.

4. If subsections 1, 2 and 3 do not apply, at the address of the purchaser obtained during the consummation of the sale, including, if no other address is available, the address of the purchaser's instrument of payment, unless the use of an address pursuant to this subsection would constitute bad faith.

5. In all other circumstances, at the address from which the property was shipped or, if it was delivered electronically, at the address from which it was first available for transmission by the seller.

Sec. 16. *1. Except as otherwise provided in this section and sections 14, 17 and 18 of this act, the lease or rental of tangible personal property shall be deemed to take place as follows:*

(a) If the lease or rental requires recurring periodic payments, for the purposes of:

(1) The first periodic payment, the location of the lease or rental shall be deemed to take place at the location determined pursuant to section 15 of this act; and

(2) Subsequent periodic payments, the location of the lease or rental shall be deemed to take place at the primary location of the property. For the purposes of this subparagraph, the primary location of the property shall be deemed to be the address for the property provided by the lessee and set forth in the records maintained by the lessor in the ordinary course of business, regardless of the intermittent use of the property at different locations, unless the use of that address would constitute bad faith.

(b) If the lease or rental does not require recurring periodic payments, the location of the lease or rental shall be deemed to take place at the location determined pursuant to section 15 of this act.

2. This section does not apply to the determination of any liability of a seller for any sales or use taxes imposed on:

(a) The acquisition of tangible personal property for lease; or

(b) Any accelerated or lump-sum payments made pursuant to a lease or rental of tangible personal property.

Sec. 17. *1. Except as otherwise provided in this section and section 14 of this act, the lease or rental of motor vehicles, trailers, semitrailers or aircraft that do not constitute transportation equipment shall be deemed to take place:*

(a) If the lease or rental requires recurring periodic payments, at the primary location of the property. For the purposes of this paragraph, the primary location of the property shall be deemed to be the address for the property provided by the lessee and set forth in the records maintained by the lessor in the ordinary course of business, regardless of the intermittent use of the property at different locations, unless the use of that address would constitute bad faith.

(b) If the lease or rental does not require recurring periodic payments, at the location determined pursuant to section 15 of this act.

2. This section does not apply to the determination of any liability of a seller for any sales or use taxes imposed on:

(a) The acquisition of tangible personal property for lease; or

(b) Any accelerated or lump-sum payments made pursuant to a lease or rental of tangible personal property.

Sec. 18. *Except as otherwise provided in section 14 of this act, the lease or rental of transportation equipment shall be deemed to take place at the location determined pursuant to section 15 of this act.*

Sec. 19. *1. A purchaser may purchase tangible personal property without paying to the seller at the time of purchase the sales and use taxes that are due thereon if:*

(a) The seller does not maintain a place of business in this state; and

(b) The purchaser has obtained a direct pay permit pursuant to the provisions of this section.

2. A purchaser who wishes to obtain a direct pay permit must file with the Department an application for such a permit that:

(a) Is on a form prescribed by the Department; and

(b) Sets forth such information as is required by the Department.

3. The application must be signed by:

(a) The owner if he is a natural person;

(b) A member or partner if the seller is an association or partnership; or

(c) An executive officer or some other person specifically authorized to sign the application if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.

4. Any purchaser who obtains a direct pay permit pursuant to this section shall:

(a) Determine the amount of sales and use taxes that are due and payable to this state or a local government of this state upon the purchase of tangible personal property from such a seller; and

(b) Report and pay those taxes to the appropriate authority.

5. If a purchaser who has obtained a direct pay permit purchases tangible personal property that will be available for use digitally or electronically in more than one jurisdiction, he may, to determine the amount of tax that is due to this state or to a local government of this state, use any reasonable, consistent and uniform method to apportion the use of the property among the various jurisdictions in which it will be used that is supported by the purchaser's business records as they exist at the time of the consummation of the sale.

Sec. 20. *1. A purchaser who:*

(a) Has not obtained a direct pay permit pursuant to section 19 of this act;

(b) Purchases tangible personal property that is subject to sales and use taxes; and

(c) Has knowledge at the time of purchase that the purchased property will be available for use digitally or electronically in more than one jurisdiction,

shall give written notice of that fact to the seller at the time of purchase. The notice must be given in a form required by the Department.

2. Notwithstanding the provisions of sections 13 to 18, inclusive, of this act:

(a) Upon receipt of such a notice by a seller who does not maintain a place of business in this state, the seller is relieved of any liability to collect, pay or remit any use tax that is due and the purchaser thereafter assumes the liability to pay that tax directly to the appropriate authority.

(b) To determine the tax due to this state or to a local government of this state:

(1) A purchaser who delivers a notice pursuant to subsection 1 to a seller who does not maintain a place of business in this state; and

(2) A seller who maintains a place of business in this state and receives a notice pursuant to subsection 1,

may use any reasonable, consistent and uniform method to apportion the use of the property among the various jurisdictions in which it will be used that is supported by the business records of the purchaser or seller as they exist at the time of the consummation of the sale.

3. Any notice given pursuant to subsection 1 applies to all future sales of property made by the seller to the purchaser, except for the sale of property that is specifically apportioned pursuant to subsection 2 or to property that will not be used in multiple jurisdictions, until the purchaser delivers a written notice of revocation to the seller.

Sec. 21. *1. A purchaser of direct mail must provide to the seller at the time of the purchase:*

(a) If the seller does not maintain a place of business in this state:

(1) A form for direct mail approved by the Department;

(2) An informational statement of the jurisdictions to which the direct mail will be delivered to recipients; or

(3) The direct pay permit of the purchaser issued pursuant to section 19 of this act; or

(b) If the seller maintains a place of business in this state, an informational statement of the jurisdictions to which the direct mail will be delivered to recipients.

2. Notwithstanding the provisions of sections 13 to 18, inclusive, of this act:

(a) Upon the receipt pursuant to subsection 1 of:

(1) A form for direct mail by a seller who does not maintain a place of business in this state:

(I) The seller is relieved of any liability for the collection, payment or remission of any sales or use taxes applicable to the purchase of direct mail by that purchaser from that seller; and

(II) The purchaser is liable for any sales or use taxes applicable to the purchase of direct mail by that purchaser from that seller.

Any form for direct mail provided to a seller pursuant to this subparagraph applies to all future sales of direct mail made by that seller to that purchaser until the purchaser delivers a written notice of revocation to the seller.

(2) An informational statement by any seller, the seller shall collect, pay or remit any applicable sales and use taxes in accordance with the information contained in that statement. In the absence of bad faith, the seller is relieved of any liability to collect, pay or remit any sales and use taxes other than in accordance with that information received.

(b) If a purchaser of direct mail does not comply with subsection 1, the seller shall determine the location of the sale pursuant to subsection 5 of section 15 of this act and collect, pay or remit any applicable sales and use taxes. This paragraph does not limit the liability of the purchaser for the payment of any of those taxes.

3. As used in this section, "direct mail" means printed material delivered or distributed by the United States Postal Service or another delivery service to a mass audience or to addresses contained on a mailing list provided by a purchaser or at the direction of a purchaser when the cost of the items purchased is not billed directly to the recipients. The term includes tangible personal property supplied directly or indirectly by the purchaser to the seller of the direct mail for inclusion in the package containing the printed material. The term does not include multiple items of printed material delivered to a single address.

Sec. 22. *Notwithstanding the provisions of any other specific statute, if the boundary of a local government that has imposed a sales or use tax is changed, any change in the rate of that tax which results therefrom becomes effective on the first day of the first calendar quarter that begins at least 60 days after the effective date of the change in the boundary.*

Sec. 23. *Notwithstanding the provisions of any other specific statute, if any sales or use tax is due and payable on a Saturday, Sunday or legal holiday, the tax may be paid on the next succeeding business day.*

Sec. 24. *Any invoice, billing or other document given to a purchaser that indicates the sales price for which tangible personal property is sold must state separately any amount received by the seller for:*

1. Services that are necessary to complete the sale, including delivery and installation charges;

2. The value of exempt property given to the purchaser if taxable and exempt property are sold as a single product or piece of merchandise; and

3. Credit given to the purchaser.

Sec. 25. NRS 360B.030 is hereby amended to read as follows:

360B.030 As used in NRS 360B.010 to 360B.170, inclusive, *and sections 5 to 24, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 360B.040 to 360B.100, inclusive, *and*

sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 26. NRS 360B.070 is hereby amended to read as follows:

360B.070 "Sales tax" means the tax levied by section 19 of chapter 397, Statutes of Nevada 1955, at page 766, and any similar tax authorized by *or pursuant to a* specific statute ~~[.]~~ *or special legislative act of this state or the laws of another state that is a member of the Agreement.*

Sec. 27. NRS 360B.080 is hereby amended to read as follows:

360B.080 "Seller" means any person making sales, leases or rentals of *tangible* personal property . ~~[or services.]~~

Sec. 28. NRS 360B.100 is hereby amended to read as follows:

360B.100 "Use tax" means the tax levied by section 34 of chapter 397, Statutes of Nevada 1955, at page 769, as amended by section 3 of chapter 513, Statutes of Nevada 1985, at page 1562, and any similar tax authorized by *or pursuant to a* specific statute ~~[.]~~ *or special legislative act of this state or the laws of another state that is a member of the Agreement.*

Sec. 29. NRS 360B.110 is hereby amended to read as follows:

360B.110 The Nevada Tax Commission shall:

1. Except as otherwise provided in NRS 360B.120, enter into the Agreement.

2. Act jointly with other states that are members of the Agreement to establish standards for:

(a) Certification of a certified service provider;

(b) A certified automated system; ~~[and]~~

(c) Performance of multistate sellers ~~[.]~~ *; and*

(d) An address-based system for determining the applicable sales and use taxes.

3. Take all other actions reasonably required to implement the provisions of NRS 360B.010 to 360B.170, inclusive, *and sections 5 to 24, inclusive, of this act, and the provisions of the Agreement,* including, without limitation ~~[:]~~ *, the:*

(a) Adoption of regulations to carry out the provisions of NRS 360B.010 to 360B.170, inclusive ~~[;]~~ *, and sections 5 to 24, inclusive, of this act, and the provisions of the Agreement;* and

(b) Procurement, jointly with other member states, of goods and services.

4. Represent, or have its designee represent, the State *of Nevada* before the other states that are signatories to the Agreement.

5. Designate not more than four delegates, who may be members of the Commission, to represent the State *of Nevada* for the purposes of reviewing or amending the Agreement.

Sec. 30. NRS 361.186 is hereby amended to read as follows:

361.186 1. A taxpayer may collect an admission fee for the exhibition of fine art otherwise exempt from taxation pursuant to NRS 361.068 if the taxpayer offers to residents of the State of Nevada a discount of 50 percent from any admission fee charged to nonresidents. The discounted admission

fee for residents must be offered at any time the exhibition is open to the public and admission fees are being charged.

2. Except as otherwise provided in subsection 5, if a taxpayer collects a fee for the exhibition of fine art otherwise exempt from taxation pursuant to NRS 361.068, the exemption pertaining to that fine art for the fiscal year must be reduced by the net revenue derived by the taxpayer for that fiscal year. The exemption pertaining to fine art for a particular fiscal year must not be reduced below zero, regardless of the amount of the net revenue derived by the taxpayer for that fiscal year.

3. A tax resulting from the operation of this section is due with the tax otherwise due under the taxpayer's first statement filed pursuant to NRS 361.265 after the 15th day of the fourth month after the end of the fiscal year in which the net revenue was received or, if no such statement is required to be filed, under a statement of the net revenue filed on or before the last day of the fourth month after the end of that fiscal year.

4. A taxpayer who is required to pay a tax resulting from the operation of this section may receive a credit against the tax for any donations made by the taxpayer to the State Arts Council, the Division of Museums and History Dedicated Trust Fund established pursuant to NRS 381.0031, a museum that provides exhibits specifically related to nature or a museum that provides exhibits specifically related to children, if the taxpayer:

(a) Made the donation before the date that either statement required pursuant to subsection 3 is due; and

(b) Provides to the county assessor documentation of the donation at the time that he files the statement required pursuant to subsection 3.

5. If a taxpayer qualifies for and avails himself of ~~[both of]~~ the exemptions from taxation provided by NRS 361.068 and 374.291 ~~[,]~~ *and section 57.1 of chapter 397, Statutes of Nevada 1955,* the reduction of the exemptions by the net revenue derived by the taxpayer, as required pursuant to subsection 2 of this section *,* ~~[and]~~ subsection 2 of NRS 374.2911 ~~[,]~~ *and subsection 2 of section 57.2 of chapter 397, Statutes of Nevada 1955,* must be carried out in such a manner that the total net revenue derived by the taxpayer is first applied to reduce the ~~[exemption]~~ *exemptions* provided pursuant to NRS 374.291 ~~[.]~~ *and section 57.1 of chapter 397, Statutes of Nevada 1955.* If the net revenue exceeds the amount of the ~~[exemption]~~ *exemptions* provided pursuant to NRS 374.291 ~~[,]~~ *and section 57.1 of chapter 397, Statutes of Nevada 1955,* the remaining net revenue must be applied to reduce the exemption provided pursuant to NRS 361.068. If the net revenue is less than or equal to the ~~[exemption]~~ *exemptions* provided pursuant to NRS 374.291 *and section 57.1 of chapter 397, Statutes of Nevada 1955,* for that fiscal year, the exemption provided pursuant to NRS 361.068 must not be reduced.

6. For the purposes of this section:

(a) "Direct costs of owning and exhibiting the fine art" does not include any allocation of the general and administrative expense of a business or

organization that conducts activities in addition to the operation of the facility in which the fine art is displayed, including, without limitation, an allocation of the salary and benefits of a senior executive who is responsible for the oversight of the facility in which the fine art is displayed and who has substantial responsibilities related to the other activities of the business or organization.

(b) "Net revenue" means the amount of the fees collected for exhibiting the fine art during that fiscal year less the following paid or made during that fiscal year:

(1) The direct costs of owning and exhibiting the fine art; and

(2) The cost of educational programs associated with the taxpayer's public display of fine art, including the cost of meeting the requirements of sub-subparagraph (IV) of subparagraph (1) of paragraph (b) of subsection 5 of NRS 361.068.

Sec. 31. NRS 361.186 is hereby amended to read as follows:

361.186 1. A taxpayer may collect an admission fee for the exhibition of fine art otherwise exempt from taxation pursuant to NRS 361.068 if the taxpayer offers to residents of the State of Nevada a discount of 50 percent from any admission fee charged to nonresidents. The discounted admission fee for residents must be offered at any time the exhibition is open to the public and admission fees are being charged.

2. Except as otherwise provided in subsection 5, if a taxpayer collects a fee for the exhibition of fine art otherwise exempt from taxation pursuant to NRS 361.068, the exemption pertaining to that fine art for the fiscal year must be reduced by the net revenue derived by the taxpayer for that fiscal year. The exemption pertaining to fine art for a particular fiscal year must not be reduced below zero, regardless of the amount of the net revenue derived by the taxpayer for that fiscal year.

3. A tax resulting from the operation of this section is due with the tax otherwise due under the taxpayer's first statement filed pursuant to NRS 361.265 after the 15th day of the fourth month after the end of the fiscal year in which the net revenue was received or, if no such statement is required to be filed, under a statement of the net revenue filed on or before the last day of the fourth month after the end of that fiscal year.

4. A taxpayer who is required to pay a tax resulting from the operation of this section may receive a credit against the tax for any donations made by the taxpayer to the State Arts Council, the Division of Museums and History Dedicated Trust Fund established pursuant to NRS 381.0031, a museum that provides exhibits specifically related to nature or a museum that provides exhibits specifically related to children, if the taxpayer:

(a) Made the donation before the date that either statement required pursuant to subsection 3 is due; and

(b) Provides to the county assessor documentation of the donation at the time that he files the statement required pursuant to subsection 3.

5. ~~[If a taxpayer qualifies for and avails himself of both of the exemptions from taxation provided by NRS 361.068 and 374.291, the reduction of the exemptions by the net revenue derived by the taxpayer, as required pursuant to subsection 2 of this section and subsection 2 of NRS 374.2911, must be carried out in such a manner that the total net revenue derived by the taxpayer is first applied to reduce the exemption provided pursuant to NRS 374.291. If the net revenue exceeds the amount of the exemption provided pursuant to NRS 374.291, the remaining net revenue must be applied to reduce the exemption provided pursuant to NRS 361.068. If the net revenue is less than or equal to the exemption provided pursuant to NRS 374.291 for that fiscal year, the exemption provided pursuant to NRS 361.068 must not be reduced.~~

~~6.]~~ For the purposes of this section:

(a) "Direct costs of owning and exhibiting the fine art" does not include any allocation of the general and administrative expense of a business or organization that conducts activities in addition to the operation of the facility in which the fine art is displayed, including, without limitation, an allocation of the salary and benefits of a senior executive who is responsible for the oversight of the facility in which the fine art is displayed and who has substantial responsibilities related to the other activities of the business or organization.

(b) "Net revenue" means the amount of the fees collected for exhibiting the fine art during that fiscal year less the following paid or made during that fiscal year:

(1) The direct costs of owning and exhibiting the fine art; and

(2) The cost of educational programs associated with the taxpayer's public display of fine art, including the cost of meeting the requirements of sub-subparagraph (IV) of subparagraph (1) of paragraph (b) of subsection 5 of NRS 361.068.

Sec. 32. Chapter 372 of NRS is hereby amended by adding thereto the provisions set forth as sections 33 to 36, inclusive, of this act.

Sec. 33. *This chapter must be administered in accordance with the provisions of chapter 360B of NRS.*

Sec. 34. *In determining the amount of taxes due pursuant to this chapter:*

1. The amount due must be computed to the third decimal place and rounded to a whole cent using a method that rounds up to the next cent if the numeral in the third decimal place is greater than 4.

2. A retailer may compute the amount due on a transaction on the basis of each item involved in the transaction or a single invoice for the entire transaction.

Sec. 35. *1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such identifying information from the purchaser at the time of sale as is required by the Department.*

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department.

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is liable for the payment of the tax. The provisions of this subsection do not apply if the retailer fraudulently fails to collect the tax or solicits a purchaser to participate in an unlawful claim of an exemption.

Sec. 36. *1. If a retailer is unable to collect all or part of the sales price of a sale, he is entitled to receive a deduction from his taxable sales for that bad debt.*

2. Any deduction that is claimed pursuant to this section may not include interest.

3. The amount of any deduction claimed must equal the amount of a deduction that may be claimed pursuant to 26 U.S.C. § 166 for that sale minus:

(a) Any finance charge or interest charged as part of the sale;

(b) Any sales or use tax charged on the sales price;

(c) Any amount not paid on the sales price because the tangible personal property that was sold has remained in the possession of the retailer until the full sales price is paid;

(d) Any expense incurred in attempting to collect the bad debt; and

(e) The value of any property sold that has been repossessed by the retailer.

4. A bad debt may be claimed as a deduction on the return that covers the period during which the bad debt is written off in the business records of the retailer that are maintained in the ordinary course of the retailer's business and is eligible to be claimed as a deduction pursuant to 26 U.S.C. § 166 or, if the retailer is not required to file a federal income tax return, would be eligible to be claimed as a deduction pursuant to 26 U.S.C. § 166.

5. If a bad debt for which a deduction has been claimed is subsequently collected in whole or in part, the tax on the amount so collected must be reported on the return that covers the period in which the collection is made.

6. If the amount of the bad debt is greater than the amount of the taxable sales reported for the period during which the bad debt is claimed as a deduction, a claim for a refund may be filed pursuant to NRS 372.630 to

372.720, inclusive, except that the time within which the claim may be filed begins on the date on which the return that included the deduction was filed.

7. If the retailer has contracted with a certified service provider for the remittance of the tax due under this chapter, the service provider may, on behalf of the retailer, claim any deduction to which the retailer is entitled pursuant to this section. The service provider shall credit or refund the full amount of any deduction or refund received pursuant to this section to the retailer.

8. For the purposes of reporting a payment received on a bad debt for which a deduction has been claimed, the payment must first be applied to the sales price of the property sold and the tax due thereon, and then to any interest, service charge or other charge that was charged as part of the sale.

9. If the records of a retailer indicate that a bad debt may be allocated among other states that are members of the Streamlined Sales and Use Tax Agreement, the retailer may allocate the bad debt among those states.

10. Except as otherwise provided in subsection 11, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the deduction claimed or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the deduction claimed or $3,000, whichever is less.

11. For the purposes of subsection 10, if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 10.

12. As used in this section:

(a) "Bad debt" means a debt that may be deducted pursuant to 26 U.S.C. § 166.

(b) "Certified service provider" has the meaning ascribed to it in NRS 360B.060.

Sec. 37. NRS 372.123 is hereby amended to read as follows:

372.123 1. If the State or a political subdivision of the State enters into a contract pursuant to chapter 332 or 333 of NRS on or after June 5, 2001, with a person who:

(a) Sells tangible personal property in this state; and

(b) Has not obtained a permit pursuant to NRS 372.125 ~~[because he does not maintain a place of business within this state,]~~ *or registered pursuant to*

section 9 of this act, the contract must include a provision requiring the person to obtain a permit pursuant to NRS 372.125 *or to register pursuant to section 9 of this act,* and to ~~[agree to]~~ collect and pay the taxes imposed pursuant to this chapter on the sale of tangible personal property in this state. For the purposes of ~~[the]~~ *a* permit obtained pursuant to NRS 372.125, the person shall be deemed to have a single place of business in this state.

2. The Department may require a state agency or local government to submit such documentation as is necessary to ensure compliance with this section.

Sec. 38. NRS 372.125 is hereby amended to read as follows:

372.125 1. Every person desiring to engage in or conduct business as a seller within this state must *register with the Department pursuant to section 9 of this act or* file with the Department an application for a permit for each place of business.

2. Every application for a permit must:

(a) Be made upon a form prescribed by the Department.

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business.

(c) Set forth other information which the Department may require.

3. The application must be signed by ~~[the]~~ *:*

(a) The owner if he is a natural person; ~~[in the case of an association or partnership, by a]~~

(b) A member or partner ~~[, in the case of a corporation, by an]~~ *if the seller is an association or partnership; or*

(c) An executive officer or some person specifically authorized ~~[by the corporation]~~ to sign the application ~~[, to which must be attached the written evidence of his authority.]~~ *if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.*

Sec. 39. NRS 372.125 is hereby amended to read as follows:

372.125 1. Every person desiring to engage in or conduct business as a seller within this state must register with the Department pursuant to section 9 of this act or file with the Department an application for a permit for each place of business ~~[.]~~ *, unless he intends to sell vehicles and will make fewer than three retail sales of vehicles during any 12-month period.*

2. Every application for a permit must:

(a) Be made upon a form prescribed by the Department.

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business.

(c) Set forth other information which the Department may require.

3. The application must be signed by:

(a) The owner if he is a natural person;

(b) A member or partner if the seller is an association or partnership; or

(c) An executive officer or some person specifically authorized to sign the application if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.

Sec. 40. NRS 372.160 is hereby amended to read as follows:

372.160 A resale certificate relieves the seller from the burden of proof only if taken in good faith from a person who ~~[is]~~ *:*

1. Is engaged in the business of selling tangible personal property ~~[and who holds the permit provided for in NRS 372.125 to 372.180, inclusive, and who, at]~~ *;*

2. Is registered pursuant to section 9 of this act or holds a permit issued pursuant to NRS 372.135; and

3. At the time of purchasing the tangible personal property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

Sec. 41. NRS 372.165 is hereby amended to read as follows:

372.165 1. ~~[The]~~ *A resale* certificate must:

(a) Be signed by and bear the name and address of the purchaser.

(b) Indicate *that the purchaser is registered pursuant to section 9 of this act or contain* the number of the permit issued to the purchaser ~~[.]~~ *pursuant to NRS 372.135.*

(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.

2. The certificate must be substantially in such form as the Department may prescribe.

Sec. 42. NRS 372.230 is hereby amended to read as follows:

372.230 A resale certificate relieves the person selling the property from the burden of proof only if taken in good faith from a person who ~~[is]~~ *:*

1. Is engaged in the business of selling tangible personal property ~~[and who holds the permit provided for by NRS 372.125 to 372.180, inclusive, and who, at]~~ *;*

2. Is registered pursuant to section 9 of this act or holds a permit issued pursuant to NRS 372.135; and

3. At the time of purchasing the tangible personal property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

Sec. 43. NRS 372.235 is hereby amended to read as follows:

372.235 1. ~~[The]~~ *A resale* certificate must:

(a) Be signed and bear the name and address of the purchaser.

(b) Indicate *that the purchaser is registered pursuant to section 9 of this act or contain* the number of the permit issued to the purchaser ~~[.]~~ *pursuant to NRS 372.135.*

(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.

2. The certificate must be substantially in such form as the Department may prescribe.

Sec. 44. NRS 372.355 is hereby amended to read as follows:

372.355 Except as *otherwise* provided in NRS 372.380 ~~[,]~~ *or required by the Department pursuant to section 9 of this act,* the taxes imposed by this chapter are payable to the Department monthly on or before the last day of the month next succeeding each month.

Sec. 45. NRS 372.360 is hereby amended to read as follows:

372.360 *Except as otherwise required by the Department pursuant to section 9 of this act:*

1. On or before the last day of the month following each reporting period, a return for the preceding period must be filed with the Department in such form as the Department may prescribe. *Any return required to be filed by this section must be combined with any return required to be filed pursuant to the provisions of chapter 374 of NRS.*

2. For purposes of ~~[the]~~ *:*

(a) The sales tax a return must be filed by each seller. ~~[For purposes of the]~~

(b) The use tax a return must be filed by each retailer maintaining a place of business in the state and by each person purchasing tangible personal property, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due . ~~[to a retailer required to collect the tax.]~~

3. Returns must be signed by the person required to file the return or by his authorized agent but need not be verified by oath.

Sec. 46. NRS 372.365 is hereby amended to read as follows:

372.365 1. *Except as otherwise required by the Department pursuant to section 9 of this act or provided in sections 13 to 18, inclusive, of this act:*

(a) For the purposes of the sales tax:

~~[(a)]~~ *(1)* The return must show the gross receipts of the seller during the preceding reporting period.

~~[(b)]~~ *(2)* The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.

~~[(c)]~~ *(3)* A sale pertains to the county in this state in which the tangible personal property is or will be delivered to the purchaser or his agent or designee.

~~[2.]~~ *(b)* For purposes of the use tax:

~~[(a)]~~ *(1)* In the case of a return filed by a retailer, the return must show the total sales price of the property purchased by him, the storage, use or consumption of which property became subject to the use tax during the preceding reporting period.

~~[(b)]~~ *(2)* The sales price must be segregated and reported separately for each county to which a purchase of tangible personal property pertains.

~~[(c)]~~ *(3)* If the property was ~~[brought]~~ *:*

(I) Brought into this state by the purchaser or his agent or designee, the sale pertains to the county in this state in which the property is or will be first used, stored or otherwise consumed. ~~[Otherwise,]~~

(II) Not brought into this state by the purchaser or his agent or designee, the sale pertains to the county in this state in which the property was delivered to the purchaser or his agent or designee.

~~[3.]~~ *2.* In case of a return filed by a purchaser, the return must show the total sales price of the property purchased by him, the storage, use or consumption of which became subject to the use tax during the preceding reporting period and indicate the county in this state in which the property was first used, stored or consumed.

~~[4.]~~ *3.* The return must also show the amount of the taxes for the period covered by the return and such other information as the Department deems necessary for the proper administration of this chapter.

~~[5. If a retailer:~~

~~(a) Is unable to collect all or part of the sales price of a sale, the amount of which was included in the gross receipts reported for a previous reporting period; and~~

~~(b) Has taken a deduction on his federal income tax return pursuant to 26 U.S.C. § 166(a) for the amount which he is unable to collect,~~

~~he is entitled to receive a credit for the amount of sales tax paid on account of that uncollected sales price. The credit may be used against the amount of sales tax that the retailer is subsequently required to pay pursuant to this chapter.~~

~~6. If the Internal Revenue Service of the Department of the Treasury disallows a deduction described in paragraph (b) of subsection 5 and the retailer claimed a credit on a return for a previous reporting period pursuant to subsection 5, the retailer shall include the amount of that credit in the amount of taxes reported pursuant to subsection 4 in the first return filed with the Department after the deduction is disallowed.~~

~~7. If a retailer collects all or part of the sales price for which he claimed a credit on a return for a previous reporting period pursuant to subsection 5, he shall include:~~

~~(a) The amount collected in the gross receipts reported pursuant to paragraph (a) of subsection 1; and~~

~~(b) The sales tax payable on the amount collected in the amount of taxes reported pursuant to subsection 4,~~

~~in the first return filed with the Department after that collection.~~

~~8.]~~ *4.* Except as otherwise provided in subsection ~~[9,]~~ *5,* upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the tax which was not reported or was reported for the wrong county or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported or was reported for the wrong county or $3,000, whichever is less.

~~[9.]~~ *5.* For the purposes of subsection ~~[8,]~~ *4,* if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection ~~[8.]~~ *4*.

Sec. 47. NRS 372.370 is hereby amended to read as follows:

372.370 ~~[The]~~

1. Except as otherwise provided in subsection 2, a taxpayer shall deduct and withhold from the taxes otherwise due from him 1.25 percent of it to reimburse himself for the cost of collecting the tax.

2. The regulations adopted by the Department pursuant to NRS 360B.110 may authorize the deduction and withholding from the taxes otherwise due from a taxpayer such other amounts as are required to carry out the Streamlined Sales and Use Tax Agreement.

Sec. 48. NRS 372.375 is hereby amended to read as follows:

372.375 ~~[The]~~

1. Except as otherwise required by the Department pursuant to section 9 of this act, the person required to file ~~[the]~~ *a* return shall deliver the return together with a remittance of the amount of the tax due to the Department.

2. The Department shall provide for the acceptance of credit cards, debit cards or electronic transfers of money for the payment of the tax due in the manner prescribed in NRS 353.1465.

Sec. 49. NRS 372.380 is hereby amended to read as follows:

372.380 1. ~~[The]~~ *Except as otherwise provided in subsection 2 or required by the Department pursuant to section 9 of this act, the* reporting and payment period of a taxpayer whose taxable sales do not exceed $10,000 per month is a calendar quarter.

2. The Department, if it deems this action necessary in order to insure payment to or facilitate the collection by the State of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the seller, retailer or purchaser, as the case may be, or for other than monthly or quarterly periods.

Sec. 50. NRS 372.635 is hereby amended to read as follows:

372.635 Except as otherwise provided in NRS 360.235 and 360.395 ~~[.]~~ *and section 36 of this act:*

1. No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the close of the period for which the overpayment was made.

2. No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period, or unless the credit relates to a period for which a waiver is given pursuant to NRS 360.355.

Sec. 51. NRS 372.7263 is hereby amended to read as follows:

372.7263 *1.* In administering the provisions of NRS 372.335, the Department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of state to include:

~~[1.]~~ *(a)* The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the Department of Motor Vehicles pursuant to subsection 1 of NRS 482.3955; and

~~[2.]~~ *(b)* The sale of farm machinery and equipment ~~[, as defined in NRS 374.286,]~~ to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of state not later than 15 days after the sale.

2. As used in this section:

(a) "Agricultural use" has the meaning ascribed to it in NRS 361A.030.

(b) "Farm machinery and equipment" means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for the agricultural use of real property.

(c) "Farm tractor" means a motor vehicle designed and used primarily for drawing an implement of husbandry.

(d) "Implement of husbandry" means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.

Sec. 52. NRS 372.740 is hereby amended to read as follows:

372.740 1. The Department, or any person authorized in writing by it, may examine the books, papers, records and equipment of any person selling tangible personal property and any person liable for the use tax and may investigate the character of the business of the person to verify the accuracy of any return made, or, if no return is made by the person, to ascertain and determine the amount required to be paid.

2. Any person selling or purchasing tangible personal property in this state who ~~[is]~~ *:*

(a) Is required to ~~[obtain]~~ *:*

(1) Obtain a permit pursuant to NRS 372.125 *or register pursuant to section 9 of this act;* or ~~[to file]~~

(2) File a return pursuant to subsection 2 of NRS 372.360 ~~[, and who keeps]~~ *; and*

(b) Keeps outside of this state his records, receipts, invoices and other documents relating to sales he has made or the use tax due this state,

shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the state for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he is absent from his regular place of employment to examine those documents.

Sec. 53. Chapter 374 of NRS is hereby amended by adding thereto the provisions set forth as sections 54 to 57, inclusive, of this act.

Sec. 54. *This chapter must be administered in accordance with the provisions of chapter 360B of NRS.*

Sec. 55. *In determining the amount of taxes due pursuant to this chapter:*

1. The amount due must be computed to the third decimal place and rounded to a whole cent using a method that rounds up to the next cent if the numeral in the third decimal place is greater than 4.

2. A retailer may compute the amount due on a transaction on the basis of each item involved in the transaction or a single invoice for the entire transaction.

Sec. 56. *1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such identifying information from the purchaser at the time of sale as is required by the Department.*

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department.

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is liable for the payment of the tax. The provisions of this subsection do not apply if the retailer fraudulently fails to collect the tax or solicits a purchaser to participate in an unlawful claim of an exemption.

Sec. 57. *1. If a retailer is unable to collect all or part of the sales price of a sale, he is entitled to receive a deduction from his taxable sales for that bad debt.*

2. Any deduction that is claimed pursuant to this section may not include interest.

3. The amount of any deduction claimed must equal the amount of a deduction that may be claimed pursuant to 26 U.S.C. § 166 for that sale minus:

(a) Any finance charge or interest charged as part of the sale;

(b) Any sales or use tax charged on the sales price;

(c) Any amount not paid on the sales price because the tangible personal property that was sold has remained in the possession of the retailer until the full sales price is paid;

(d) Any expense incurred in attempting to collect the bad debt; and

(e) The value of any property sold that has been repossessed by the retailer.

4. A bad debt may be claimed as a deduction on the return that covers the period during which the bad debt is written off in the business records of the retailer that are maintained in the ordinary course of the retailer's business and is eligible to be claimed as a deduction pursuant to 26 U.S.C. § 166 or, if the retailer is not required to file a federal income tax return, would be eligible to be claimed as a deduction pursuant to 26 U.S.C. § 166.

5. If a bad debt for which a deduction has been claimed is subsequently collected in whole or in part, the tax on the amount so collected must be reported on the return that covers the period in which the collection is made.

6. If the amount of the bad debt is greater than the amount of the taxable sales reported for the period during which the bad debt is claimed as a deduction, a claim for a refund may be filed pursuant to NRS 374.635 to 374.720, inclusive, except that the time within which the claim may be filed begins on the date on which the return that included the deduction was filed.

7. If the retailer has contracted with a certified service provider for the remittance of the tax due under this chapter, the service provider may, on behalf of the retailer, claim any deduction to which the retailer is entitled pursuant to this section. The service provider shall credit or refund the full amount of any deduction or refund received pursuant to this section to the retailer.

8. For the purposes of reporting a payment received on a bad debt for which a deduction has been claimed, the payment must first be applied to the sales price of the property sold and the tax due thereon, and then to any interest, service charge or other charge that was charged as part of the sale.

9. If the records of a retailer indicate that a bad debt may be allocated among other states that are members of the Streamlined Sales and Use Tax Agreement, the retailer may allocate the bad debt among those states.

10. Except as otherwise provided in subsection 11, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the deduction claimed or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the deduction claimed or $3,000, whichever is less.

11. For the purposes of subsection 10, if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 10.

12. As used in this section:

(a) "Bad debt" means a debt that may be deducted pursuant to 26 U.S.C. § 166.

(b) "Certified service provider" has the meaning ascribed to it in NRS 360B.060.

Sec. 58. NRS 374.020 is hereby amended to read as follows:

374.020 Except where the context otherwise requires, the definitions given in NRS 374.025 to ~~[374.107,]~~ *374.100,* inclusive, govern the construction of this chapter.

Sec. 59. NRS 374.030 is hereby amended to read as follows:

374.030 1. "Gross receipts" means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the Department may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the county or has paid the use tax with respect to the property, and has resold the property before making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense.

(c) The cost of transportation of the property before its sale to the purchaser.

2. The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

3. "Gross receipts" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The sale price of property returned by customers when the full sale price is refunded either in cash or credit, but this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

~~[(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.]~~

4. For purposes of the sales tax, if the retailers establish to the satisfaction of the Department that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Sec. 60. NRS 374.040 is hereby amended to read as follows:

374.040 1. "Occasional sale *"* ~~[," except as otherwise provided in subsection 2,]~~ includes:

(a) A sale of property not held or used by a seller in the course of an activity for which he is required to hold a seller's permit, provided such sale is not one of a series of sales sufficient in number, scope and character to constitute an activity requiring the holding of a seller's permit.

(b) Any transfer of all or substantially all the property held or used by a person in the course of such an activity when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before such transfer.

2. ~~[The term does not include the sale of a vehicle other than the sale or transfer of a used vehicle to the seller's spouse, child, grandchild, parent, grandparent, brother or sister. For the purposes of this section, the relation of parent and child includes adoptive and illegitimate children and stepchildren.~~

~~3.]~~ For the purposes of this section, stockholders, bondholders, partners or other persons holding an interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the property of such corporation or other entity.

Sec. 61. NRS 374.055 is hereby amended to read as follows:

374.055 1. "Retail sale" or "sale at retail" means a sale for any purpose other than resale in the regular course of business of tangible personal property. ~~[The terms do not include a sale of property that:~~

~~(a) Meets the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 4 of NRS 374.291;~~

~~(b) Is made available for sale within 2 years after it is acquired; and~~

~~(c) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.]~~

2. The delivery in a county of tangible personal property by an owner or former owner thereof or by a factor, or agent of such owner, former owner or factor, if the delivery is to a consumer or person for redelivery to a consumer, pursuant to a retail sale made by a retailer not engaged in business in the county, is a retail sale in the county by the person making the delivery. He shall include the retail selling price of the property in his gross receipts.

Sec. 62. NRS 374.060 is hereby amended to read as follows:

374.060 1. "Retailer" includes:

(a) Every seller who makes any retail sale or sales of tangible personal property, and every person engaged in the business of making retail sales at auction of tangible personal property owned by the person or others.

(b) Every person engaged in the business of making sales for storage, use or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use or other consumption.

(c) Every person making any retail sale of a vehicle or more than two retail sales of other tangible personal property during any 12-month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

2. When the Department determines that it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the Department may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.

3. A licensed optometrist or physician is a consumer of, and shall not be considered, a retailer within the provisions of this chapter, with respect to the ophthalmic materials used or furnished by him in the performance of his professional services in the diagnosis, treatment or correction of conditions of the human eye, including the adaptation of lenses or frames for the aid thereof.

Sec. 63. NRS 374.060 is hereby amended to read as follows:

374.060 1. "Retailer" includes:

(a) Every seller who makes any retail sale or sales of tangible personal property, and every person engaged in the business of making retail sales at auction of tangible personal property owned by the person or others.

(b) Every person engaged in the business of making sales for storage, use or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use or other consumption.

(c) Every person making ~~[any retail sale of a vehicle or]~~ more than two retail sales of other tangible personal property during any 12-month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

2. When the Department determines that it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the Department may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.

Sec. 64. NRS 374.070 is hereby amended to read as follows:

374.070 1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of the materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit; but this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax , ~~[(]~~ not including ~~[, however,]~~ any manufacturers' or importers' excise tax , ~~[)]~~ imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any tax imposed by the State of Nevada upon or with respect to the storage, use or other consumption of tangible personal property purchased from any retailer.

~~[(f) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.~~

~~4. For the purpose of a sale of a vehicle by a seller who is not required to be registered with the Department of Taxation, the sales price is the value established in the manner set forth in NRS 374.112.]~~

Sec. 65. NRS 374.085 is hereby amended to read as follows:

374.085 "Storage, use or other consumption" does not include ~~[:~~

~~1. The]~~ *the* keeping, retaining or exercising any right or power over tangible personal property for the purpose of subsequently transporting it outside the State for use thereafter solely outside the State, or for the purpose of being processed, fabricated or manufactured into, attached to, or incorporated into, other tangible personal property to be transported outside the State and thereafter used solely outside the State . ~~[; or~~

~~2. The keeping, retaining or exercising any right or power over tangible property that:~~

~~(a) Meets the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 4 of NRS 374.291;~~

~~(b) Is made available for sale within 2 years after it is acquired; and~~

~~(c) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.]~~

Sec. 66. NRS 374.128 is hereby amended to read as follows:

374.128 1. If the State or a political subdivision of the State enters into a contract pursuant to chapter 332 or 333 of NRS on or after June 5, 2001, with a person who:

(a) Sells tangible personal property in this state; and

(b) Has not obtained a permit pursuant to NRS 374.130 ~~[because he does not maintain a place of business within this state,]~~ *or registered pursuant to section 9 of this act,*

the contract must include a provision requiring the person to obtain a permit pursuant to NRS 374.130 *or to register pursuant to section 9 of this act,* and to ~~[agree to]~~ collect and pay the taxes imposed pursuant to this chapter on the sale of tangible personal property in any county in this state. For the purposes of ~~[the]~~ *a* permit obtained pursuant to NRS 374.130, the person shall be deemed to have a place of business in each county in this state, but shall pay the fee for a single permit.

2. The Department may require a state agency or local government to submit such documentation as is necessary to ensure compliance with this section.

Sec. 67. NRS 374.130 is hereby amended to read as follows:

374.130 1. Every person desiring to engage in or conduct business as a seller within a county shall *register with the Department pursuant to section 9 of this act or* file with the Department an application for a permit for each place of business, unless he intends to sell vehicles and will make fewer than three retail sales of vehicles during any 12-month period.

2. Every application for a permit must:

(a) Be made upon a form prescribed by the Department.

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business.

(c) Set forth such other information as the Department may require.

3. The application must be signed by ~~[the]~~ *:*

(a) The owner if he is a natural person; ~~[in the case of an association or partnership, by a]~~

(b) A member or partner ~~[, in the case of a corporation, by an]~~ *if the seller is an association or partnership; or*

(c) An executive officer or some person specifically authorized ~~[by the corporation]~~ to sign the application ~~[, to which must be attached the written evidence of his authority.]~~ *if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.*

Sec. 68. NRS 374.130 is hereby amended to read as follows:

374.130 1. Every person desiring to engage in or conduct business as a seller within a county shall register with the Department pursuant to section 9 of this act or file with the Department an application for a permit for each place of business . ~~[, unless he intends to sell vehicles and will make fewer than three retail sales of vehicles during any 12-month period.]~~

2. Every application for a permit must:

(a) Be made upon a form prescribed by the Department.

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business.

(c) Set forth such other information as the Department may require.

3. The application must be signed by:

(a) The owner if he is a natural person;

(b) A member or partner if the seller is an association or partnership; or

(c) An executive officer or some person specifically authorized to sign the application if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.

Sec. 69. NRS 374.165 is hereby amended to read as follows:

374.165 ~~[The]~~ *A resale* certificate relieves the seller from the burden of proof only if taken in good faith from a person who ~~[is]~~ *:*

1. Is engaged in the business of selling tangible personal property ~~[and who holds the permit provided for in NRS 374.130 to 374.185, inclusive, and who, at]~~ *;*

2. Is registered pursuant to section 9 of this act or holds a permit issued pursuant to NRS 374.140; and

3. At the time of purchasing the tangible personal property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

Sec. 70. NRS 374.170 is hereby amended to read as follows:

374.170 1. ~~[The certificate shall:]~~ *A resale certificate must:*

(a) Be signed by and bear the name and address of the purchaser.

(b) Indicate *that the purchaser is registered pursuant to section 9 of this act or contain* the number of the permit issued to the purchaser ~~[.]~~ *pursuant to NRS 374.140.*

(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.

2. The certificate ~~[shall]~~ *must* be substantially in such form as the Department may prescribe.

Sec. 71. NRS 374.235 is hereby amended to read as follows:

374.235 ~~[The]~~ *A resale* certificate relieves the person selling the property from the burden of proof only if taken in good faith from a person who ~~[is]~~ *:*

1. Is engaged in the business of selling tangible personal property ~~[and who holds the permit provided for by NRS 374.130 to 374.185, inclusive, and who, at]~~ *;*

2. Is registered pursuant to section 9 of this act or holds a permit issued pursuant to NRS 374.140; and

3. At the time of purchasing the tangible personal property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

Sec. 72. NRS 374.240 is hereby amended to read as follows:

374.240 1. ~~[The certificate shall:]~~ *A resale certificate must:*

(a) Be signed and bear the name and address of the purchaser.

(b) Indicate *that the purchaser is registered pursuant to section 9 of this act or contain* the number of the permit issued to the purchaser ~~[.]~~ *pursuant to NRS 374.140.*

(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.

2. The certificate ~~[shall]~~ *must* be substantially in such form as the Department may prescribe.

Sec. 73. NRS 374.287 is hereby amended to read as follows:

374.287 1. There are exempted from the taxes imposed by this chapter the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis.

(d) ~~[Any ophthalmic or ocular device or appliance prescribed by a physician or optometrist.~~

~~(e)]~~ Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory *, ophthalmic or ocular* device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 74. NRS 374.360 is hereby amended to read as follows:

374.360 Except as *otherwise* provided in NRS 374.385 ~~[,]~~ *or required by the Department pursuant to section 9 of this act,* the taxes imposed by this chapter are due and payable to the Department monthly on or before the last day of the month next succeeding each month.

Sec. 75. NRS 374.365 is hereby amended to read as follows:

374.365 *Except as otherwise required by the Department pursuant to section 9 of this act:*

1. On or before the last day of the month following each reporting period, a return for the preceding period must be filed with the Department in such form as the Department may prescribe. *Any return required to be filed by this section must be combined with any return required to be filed pursuant to the provisions of chapter 372 of NRS.*

2. For purposes of ~~[the]~~ *:*

(a) The sales tax a return must be filed by every seller. ~~[For purposes of the]~~

(b) The use tax a return must be filed by every retailer maintaining a place of business in the county and by every person purchasing tangible personal property, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due . ~~[to a retailer required to collect the tax.]~~

3. Returns must be signed by the person required to file the return or by his authorized agent but need not be verified by oath.

Sec. 76. NRS 374.370 is hereby amended to read as follows:

374.370 1. *Except as otherwise required by the Department pursuant to section 9 of this act or provided in sections 13 to 18, inclusive, of this act:*

(a) For the purposes of the sales tax:

~~[(a)]~~ *(1)* The return must show the gross receipts of the seller during the preceding reporting period.

~~[(b)]~~ *(2)* The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.

~~[(c)]~~ *(3)* A sale pertains to the county in this state in which the tangible personal property is or will be delivered to the purchaser or his agent or designee.

~~[2.]~~ *(b)* For purposes of the use tax:

~~[(a)]~~ *(1)* In the case of a return filed by a retailer, the return must show the total sales price of the property purchased by him, the storage, use or consumption of which property became subject to the use tax during the preceding reporting period.

~~[(b)]~~ *(2)* The sales price must be segregated and reported separately for each county to which a purchase of tangible personal property pertains.

~~[(c)]~~ *(3)* If the property was ~~[brought]~~ *:*

(I) Brought into this state by the purchaser or his agent or designee, the sale pertains to the county in this state in which the property is or will be first used, stored or otherwise consumed. ~~[Otherwise,]~~

(II) Not brought into this state by the purchaser or his agent or designee, the sale pertains to the county in this state in which the property was delivered to the purchaser or his agent or designee.

~~[3.]~~ *2.* In case of a return filed by a purchaser, the return must show the total sales price of the property purchased by him, the storage, use or consumption of which became subject to the use tax during the preceding reporting period and indicate the county in this state in which the property was first used, stored or consumed.

~~[4.]~~ *3.* The return must also show the amount of the taxes for the period covered by the return and such other information as the Department deems necessary for the proper administration of this chapter.

~~[5. If a retailer:~~

~~(a) Is unable to collect all or part of the sales price of a sale, the amount of which was included in the gross receipts reported for a previous reporting period; and~~

~~(b) Has taken a deduction on his federal income tax return pursuant to 26 U.S.C. § 166(a) for the amount which he is unable to collect,~~

~~he is entitled to receive a credit for the amount of sales tax paid on account of that uncollected sales price. The credit may be used against the amount of sales tax that the retailer is subsequently required to pay pursuant to this chapter.~~

~~6. If the Internal Revenue Service of the Department of the Treasury disallows a deduction described in paragraph (b) of subsection 5 and the retailer claimed a credit on a return for a previous reporting period pursuant to subsection 5, the retailer shall include the amount of that credit in the amount of taxes reported pursuant to subsection 4 in the first return filed with the Department after the deduction is disallowed.~~

~~7. If a retailer collects all or part of the sales price for which he claimed a credit on a return for a previous reporting period pursuant to subsection 5, he shall include:~~

~~(a) The amount collected in the gross receipts reported pursuant to paragraph (a) of subsection 1; and~~

~~(b) The sales tax payable on the amount collected in the amount of taxes reported pursuant to subsection 4,~~

~~in the first return filed with the Department after that collection.~~

~~8.~~ *4.* Except as otherwise provided in subsection ~~[9,]~~ *5,* upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the tax which was not reported or was reported for the wrong county or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported or was reported for the wrong county or $3,000, whichever is less.

~~[9.]~~ *5.* For the purposes of subsection ~~[8,]~~ *4,* if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection ~~[8.]~~ *4*.

Sec. 77. NRS 374.375 is hereby amended to read as follows:

374.375 ~~[The]~~

1. Except as otherwise provided in subsection 2, a taxpayer shall deduct and withhold from the taxes otherwise due from him 1.25 percent thereof to reimburse himself for the cost of collecting the tax.

2. The regulations adopted by the Department pursuant to NRS 360B.110 may authorize the deduction and withholding from the taxes otherwise due from a taxpayer such other amounts as are required to carry out the Streamlined Sales and Use Tax Agreement.

Sec. 78. NRS 374.380 is hereby amended to read as follows:

374.380 ~~[The]~~

1. Except as otherwise required by the Department pursuant to section 9 of this act, the person required to file ~~[the]~~ *a* return shall deliver the return together with a remittance of the amount of the tax due to the Department.

2. The Department shall provide for the acceptance of credit cards, debit cards or electronic transfers of money for the payment of the tax due in the manner prescribed in NRS 353.1465.

Sec. 79. NRS 374.385 is hereby amended to read as follows:

374.385 1. ~~[The]~~ *Except as otherwise provided in subsection 2 or required by the Department pursuant to section 9 of this act, the* reporting and payment period of a taxpayer whose taxable sales do not exceed $10,000 per month is a calendar quarter.

2. The Department, if it deems this action necessary in order to insure payment to or facilitate the collection by the county of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the seller, retailer or purchaser as the case may be, or for other than monthly or quarterly periods.

Sec. 80. NRS 374.640 is hereby amended to read as follows:

374.640 Except as otherwise provided in NRS 360.235 and 360.395 ~~[.]~~ *and section 57 of this act:*

1. No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the close of the period for which the overpayment was made.

2. No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period, or unless the credit relates to a period for which a waiver is given pursuant to NRS 360.355.

Sec. 81. NRS 374.7273 is hereby amended to read as follows:

374.7273 *1.* In administering the provisions of NRS 374.340, the Department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of state to include:

~~[1.]~~ *(a)* The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the Department of Motor Vehicles pursuant to subsection 1 of NRS 482.3955; and

~~[2.]~~ *(b)* The sale of farm machinery and equipment ~~[, as defined in NRS 374.286,]~~ to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of state not later than 15 days after the sale.

2. As used in this section:

(a) "Agricultural use" has the meaning ascribed to it in NRS 361A.030.

(b) "Farm machinery and equipment" means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for the agricultural use of real property.

(c) "Farm tractor" means a motor vehicle designed and used primarily for drawing an implement of husbandry.

(d) "Implement of husbandry" means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.

Sec. 82. NRS 374.785 is hereby amended to read as follows:

374.785 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to counties under this chapter must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit the payments in the State Treasury to the credit of the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall, each month, from the Sales and Use Tax Account in the State General Fund:

(a) Transfer .75 percent of all fees, taxes, interest and penalties collected in each county during the preceding month to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.

(b) Transfer .75 percent of all fees, taxes, interest and penalties collected during the preceding month from out-of-state businesses not maintaining a fixed place of business within this state to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.

(c) Determine for each county the amount of money equal to the fees, taxes, interest and penalties collected in the county pursuant to this chapter during the preceding month less the amount transferred pursuant to paragraph (a).

(d) Transfer the total amount of taxes collected pursuant to this chapter during the preceding month from out-of-state businesses not maintaining a fixed place of business within this state, less the amount transferred pursuant to paragraph (b), to the State Distributive School Account in the State General Fund.

(e) Except as otherwise provided in NRS 387.528, transfer the amount owed to each county to the Intergovernmental Fund and remit the money to the credit of the county school district fund.

~~[4. For the purpose of the distribution required by this section, the occasional sale of a vehicle shall be deemed to take place in the county to which the governmental services tax payable by the buyer upon that vehicle is distributed.]~~

Sec. 83. NRS 374A.020 is hereby amended to read as follows:

374A.020 1. The collection of the tax imposed by NRS 374A.010 must be commenced on the first day of the first calendar quarter that begins at least ~~[30]~~ *120* days after the last condition in subsection 1 of NRS 374A.010 is met.

2. The tax must be administered, collected and distributed in the manner set forth in chapter 374 of NRS.

3. The board of trustees of the school district shall transfer the proceeds of the tax imposed by NRS 374A.010 from the county school district fund to the fund described in NRS 354.6105 which must be established by the board of trustees. The money deposited in the fund described in NRS 354.6105 pursuant to this subsection must be accounted for separately in that fund and must only be expended by the board of trustees for the cost of the extraordinary maintenance, extraordinary repair and extraordinary improvement of school facilities within the county.

Sec. 84. NRS 376A.060 is hereby amended to read as follows:

376A.060 Any ordinance enacted pursuant to NRS 376A.040 or 376A.050 must include:

1. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

2. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with the chapter, automatically become a part of the ordinance imposing the tax.

3. A provision that specifies the date on which the tax is first imposed or on which any change in the rate of the tax becomes effective, which must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance.

Sec. 85. NRS 377.030 is hereby amended to read as follows:

377.030 1. The board of county commissioners shall enact an ordinance imposing a city-county relief tax.

2. The ordinance enacted pursuant to this section must provide that the city-county relief tax be imposed on the first day of the first ~~[month~~

~~following]~~ *calendar quarter that begins at least 120 days after* the effective date of the ordinance.

Sec. 86. NRS 377.055 is hereby amended to read as follows:

377.055 ~~[1.]~~ The Department shall monthly determine for each county an amount of money equal to the sum of:

~~[(a)]~~ *1.* Any fees and any taxes, interest and penalties which derive from the basic city-county relief tax collected in that county pursuant to this chapter during the preceding month, less the corresponding amount transferred to the State General Fund pursuant to subsection 3 of NRS 377.050; and

~~[(b)]~~ *2.* That proportion of the total amount of taxes which derive from that portion of the tax levied at the rate of one-half of 1 percent collected pursuant to this chapter during the preceding month from out-of-state businesses not maintaining a fixed place of business within this state, less the corresponding amount transferred to the State General Fund pursuant to subsection 3 of NRS 377.050, which the population of that county bears to the total population of all counties which have in effect a city-county relief tax ordinance, and deposit the money in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective subaccounts of each county.

~~[2. For the purpose of the distribution required by this section, the occasional sale of a vehicle shall be deemed to take place in the county to which the governmental services tax payable by the buyer upon that vehicle is distributed.]~~

Sec. 87. NRS 377A.020 is hereby amended to read as follows:

377A.020 1. The board of county commissioners of any county may enact an ordinance imposing a tax for a public transit system or for the construction, maintenance and repair of public roads, or both, pursuant to NRS 377A.030. The board of county commissioners of any county whose population is less than 400,000 may enact an ordinance imposing a tax to promote tourism pursuant to NRS 377A.030.

2. An ordinance enacted pursuant to this chapter may not become effective before a question concerning the imposition of the tax is approved by a majority of the registered voters of the county voting upon the question which the board may submit to the voters at any general election. A county may combine the questions for a public transit system and for the construction, maintenance and repair of public roads with questions submitted pursuant to NRS 244.3351, 278.710 or 371.045, or any combination thereof. The board shall also submit to the voters at a general election any proposal to increase the rate of the tax or change the previously approved uses for the proceeds of the tax.

3. Any ordinance enacted pursuant to this section must specify the date on which the tax must first be imposed or on which an increase in the rate of the tax becomes effective, which must ~~[not be earlier than]~~ *be* the first day of

the ~~[second calendar month following]~~ *first calendar quarter that begins at least 120 days after* the approval of the question by the voters.

Sec. 88. NRS 377A.030 is hereby amended to read as follows:

377A.030 Except as otherwise provided in NRS 377A.110, any ordinance enacted under this chapter must include provisions in substance as follows:

1. A provision imposing a tax upon retailers at the rate of not more than:

(a) For a tax to promote tourism, one-quarter of 1 percent; or

(b) For a tax to establish and maintain a public transit system or for the construction, maintenance and repair of public roads, or both, one-half of 1 percent, of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in a county.

2. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

3. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of an ordinance imposing the tax for public mass transportation and construction of public roads or the tax to promote tourism in the county.

4. A provision that the county shall contract before the effective date of the ordinance with the Department to perform all functions incident to the administration or operation of the tax in the county.

5. A provision that ~~[exempts from the tax or any increase in the tax the gross receipts from]~~ *a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon* the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property, entered into on or before the effective date of the tax or the increase in the tax, or for which a binding bid was submitted before that date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

Sec. 89. NRS 377A.110 is hereby amended to read as follows:

377A.110 1. Subject to the provisions of subsection 2, the board may gradually reduce the amount of tax imposed pursuant to this chapter for a public transit system or for the construction, maintenance and repair of public roads, or both, as revenue from the operation of the public transit system permits. *The date on which any reduction in the tax becomes effective must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance reducing the amount of tax imposed.*

2. No such taxing ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds issued under this chapter, or other obligations incurred under this

chapter, until all obligations, for which revenues from the ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter, have been discharged in full, but the board may at any time dissolve the regional transportation commission and provide that no further obligations be incurred thereafter.

Sec. 90. NRS 377B.100 is hereby amended to read as follows:

377B.100 1. The board of county commissioners of any county may by ordinance, but not as in a case of emergency, impose a tax for infrastructure pursuant to this section and NRS 377B.110.

2. An ordinance enacted pursuant to this chapter may not become effective before a question concerning the imposition of the tax is approved by a two-thirds majority of the members of the board of county commissioners. Any proposal to increase the rate of the tax or change the previously approved uses for the proceeds of the tax must be approved by a two-thirds majority of the members of the board of county commissioners. The board of county commissioners shall not change a previously approved use for the proceeds of the tax to a use that is not authorized for that county pursuant to NRS 377B.160.

3. An ordinance enacted pursuant to this section must:

(a) Specify the date on which the tax must first be imposed or on which an increase in the rate of the tax becomes effective, which must occur on the first day of the first month of the next calendar quarter that is at least ~~[60]~~ *120* days after the date on which a two-thirds majority of the board of county commissioners approved the question.

(b) In a county whose population is 400,000 or more, provide for the cessation of the tax not later than:

(1) The last day of the month in which the Department determines that the total sum collected since the tax was first imposed, exclusive of any penalties and interest, exceeds $2.3 billion; or

(2) June 30, 2025, whichever occurs earlier.

4. The board of county commissioners in a county whose population is 400,000 or more and in which a water authority exists shall review the necessity for the continued imposition of the tax authorized pursuant to this chapter at least once every 10 years.

5. Before enacting an ordinance pursuant to this chapter, the board of county commissioners shall hold a public hearing regarding the imposition of a tax for infrastructure. In a county whose population is 400,000 or more and in which a water authority exists, the water authority shall also hold a public hearing regarding the tax for infrastructure. Notice of the time and place of each hearing must be:

(a) Published in a newspaper of general circulation in the county at least once a week for the 2 consecutive weeks immediately preceding the date of the hearing. Such notice must be a display advertisement of not less than 3 inches by 5 inches.

(b) Posted at the building in which the meeting is to be held and at not less than three other separate, prominent places within the county at least 2 weeks before the date of the hearing.

6. Before enacting an ordinance pursuant to this chapter, the board of county commissioners of a county whose population is less than 400,000 or a county whose population is 400,000 or more and in which no water authority exists, shall develop a plan for the expenditure of the proceeds of a tax imposed pursuant to this chapter for the purposes set forth in NRS 377B.160. The plan may include a regional project for which two or more such counties have entered into an interlocal agreement to expend jointly all or a portion of the proceeds of a tax imposed in each county pursuant to this chapter. Such a plan must include, without limitation, the date on which the plan expires, a description of each proposed project, the method of financing each project and the costs related to each project. Before adopting a plan pursuant to this subsection, the board of county commissioners of a county in which a regional planning commission has been established pursuant to NRS 278.0262 shall transmit to the regional planning commission a list of the proposed projects for which a tax for infrastructure may be imposed. The regional planning commission shall hold a public hearing at which it shall rank each project in relative priority. The regional planning commission shall transmit its rankings to the board of county commissioners. The recommendations of the regional planning commission regarding the priority of the proposed projects are not binding on the board of county commissioners. The board of county commissioners shall hold at least one public hearing on the plan. Notice of the time and place of the hearing must be provided in the manner set forth in subsection 5. The plan must be approved by the board of county commissioners at a public hearing. Subject to the provisions of subsection 7, on or before the date on which a plan expires, the board of county commissioners shall determine whether a necessity exists for the continued imposition of the tax. If the board determines that such a necessity does not exist, the board shall repeal the ordinance that enacted the tax. If the board of county commissioners determines that the tax must be continued for a purpose set forth in NRS 377B.160, the board shall adopt, in the manner prescribed in this subsection, a new plan for the expenditure of the proceeds of the tax for such a purpose.

7. No ordinance imposing a tax which is enacted pursuant to this chapter may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax enacted pursuant to this chapter until those bonds or other obligations have been discharged in full.

Sec. 91. NRS 377B.110 is hereby amended to read as follows:

377B.110 An ordinance enacted pursuant to this chapter must include provisions in substance as follows:

1. A provision imposing a tax upon retailers at the rate of not more than:

(a) In a county whose population is 100,000 or more but less than 400,000, one-eighth of 1 percent; or

(b) In all other counties, one-quarter of 1 percent,

of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county.

2. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

3. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of an ordinance enacted pursuant to this chapter.

4. A provision stating the specific purpose for which the proceeds of the tax must be expended.

5. A provision that the county shall contract before the effective date of the ordinance with the Department to perform all functions incident to the administration or operation of the tax in the county.

6. A provision that ~~[exempts from the tax or any increase in the tax the gross receipts from]~~ *a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon* the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract:

(a) Entered into on or before the effective date of the tax or the increase in the tax; or

(b) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax or the increase in the tax if the bid was afterward accepted, if, under the terms of the contract or bid, the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

Sec. 92. NRS 354.705 is hereby amended to read as follows:

354.705 1. As soon as practicable after the Department takes over the management of a local government, the Executive Director shall:

(a) Determine the total amount of expenditures necessary to allow the local government to perform the basic functions for which it was created;

(b) Determine the amount of revenue reasonably expected to be available to the local government; and

(c) Consider any alternative sources of revenue available to the local government.

2. If the Executive Director determines that the available revenue is not sufficient to provide for the payment of required debt service and operating expenses, he may submit his findings to the Committee who shall review the determinations made by the Executive Director. If the Committee determines that additional revenue is needed, it shall prepare a recommendation to the Nevada Tax Commission as to which one or more of the following additional taxes or charges should be imposed by the local government:

(a) The levy of a property tax up to a rate which when combined with all other overlapping rates levied in the State does not exceed $4.50 on each $100 of assessed valuation.

(b) An additional tax on transient lodging at a rate not to exceed 1 percent of the gross receipts from the rental of transient lodging within the boundaries of the local government upon all persons in the business of providing lodging. Any such tax must be collected and administered in the same manner as all other taxes on transient lodging are collected by or for the local government.

(c) Additional service charges appropriate to the local government.

(d) If the local government is a county or has boundaries that are conterminous with the boundaries of the county:

(1) An additional tax on the gross receipts from the sale or use of tangible personal property not to exceed one quarter of 1 percent throughout the county. The ordinance imposing any such tax must ~~[include]~~ *:*

(I) Include provisions in substance which comply with the requirements of subsections 2 to 5, inclusive, of NRS 377A.030.

(II) Specify the date on which the tax must first be imposed or on which a change in the rate of the tax becomes effective, which must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance.

(2) An additional governmental services tax of not more than 1 cent on each $1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except those vehicles exempt from the governmental services tax imposed pursuant to chapter 371 of NRS or a vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations. As used in this subparagraph, "based" has the meaning ascribed to it in NRS 482.011.

3. Upon receipt of the plan from the Committee, a panel consisting of three members of the Nevada Tax Commission appointed by the Nevada Tax Commission and three members of the Committee appointed by the Committee shall hold a public hearing at a location within the boundaries of the local government in which the severe financial emergency exists after giving public notice of the hearing at least 10 days before the date on which the hearing will be held. In addition to the public notice, the panel shall give notice to the governing body of each local government whose jurisdiction overlaps with the jurisdiction of the local government in which the severe financial emergency exists.

4. After the public hearing conducted pursuant to subsection 3, the Nevada Tax Commission may adopt the plan as submitted or adopt a revised plan. Any plan adopted pursuant to this section must include the duration for which any new or increased taxes or charges may be collected which must not exceed 5 years.

5. Upon adoption of the plan by the Nevada Tax Commission, the local government in which the severe financial emergency exists shall impose or cause to be imposed the additional taxes and charges included in the plan for the duration stated in the plan or until the severe financial emergency has been determined by the Nevada Tax Commission to have ceased to exist.

6. The allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 does not apply to any additional property tax levied pursuant to this section.

7. If a plan fails to satisfy the expenses of the local government to the extent expected, the Committee shall report such failure to:

(a) The county for consideration of absorption of services; or

(b) If the local government is a county, to the next regular session of the Legislature.

Sec. 93. NRS 482.225 is hereby amended to read as follows:

482.225 1. When application is made to the Department for registration of a vehicle purchased ~~[in this state from a person other than a retailer required to be registered with the Department of Taxation or of a vehicle purchased]~~ outside this state and not previously registered within this state where the registrant or owner at the time of purchase was not a resident of or employed in this state, the Department or its agent shall determine and collect any sales or use tax due and shall remit the tax to the Department of Taxation except as otherwise provided in NRS 482.260.

2. If the registrant or owner of the vehicle was a resident of the State, or employed within the State, at the time of the purchase of that vehicle, it is presumed that the vehicle was purchased for use within the State and the representative or agent of the Department of Taxation shall collect the tax and remit it to the Department of Taxation.

3. Until all applicable taxes and fees are collected, the Department shall refuse to register the vehicle.

4. In any county whose population is less than 50,000, the Department shall designate the county assessor as the agent of the Department for the collection of any sales or use tax.

5. If the registrant or owner desires to refute the presumption stated in subsection 2 that he purchased the vehicle for use in this state, he must pay the tax to the Department and then may submit his claim for exemption in writing, signed by him or his authorized representative, to the Department together with his claim for refund of tax erroneously or illegally collected.

6. If the Department finds that the tax has been erroneously or illegally collected, the tax must be refunded.

Sec. 94. Section 29 of the Local Government Tax Act of 1991, being chapter 491, Statutes of Nevada 1991, as amended by chapter 426, Statutes of Nevada 1993, at page 1370, is hereby amended to read as follows:

Sec. 29. 1. Except as otherwise provided in this section and in section 34 of this Act and in addition to all other sales and use taxes, the Board of County Commissioners of Churchill, Elko, Humboldt, Washoe and

Lander Counties and the Board of Supervisors of Carson City may by ordinance, but not as in a case of emergency, impose a tax at the rate of up to 1/4 of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county.

2. The tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

3. The ordinance enacted pursuant to this section must include provisions in substance as follows:

(a) Provisions substantially identical to those of the Local School Support Tax Law, insofar as applicable.

(b) A provision that all amendments to the provisions of the Local School Support Tax Law subsequent to the date of enactment of the ordinance, not inconsistent with this section, automatically become a part of the ordinance enacted pursuant to subsection 1.

(c) A provision that the county shall contract before the effective date of the ordinance enacted pursuant to subsection 1 with the Department to perform all functions incident to the administration or operation of the tax imposed pursuant to subsection 1.

(d) A provision that ~~[exempts from the additional one quarter of one percent tax increase authorized pursuant to this section, the gross receipts from]~~ *a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon* the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property which was executed before July 30, 1991, or for which a binding bid was submitted before that date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the additional tax pursuant to this section.

(e) A provision that specifies the date on which the tax is first imposed or on which any change in the rate of the tax becomes effective, which must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance.

4. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the county under this section must be paid to the Department of Taxation in the form of remittances made payable to the Department of Taxation.

5. The Department of Taxation shall deposit the payments with the State Treasurer for credit to the tax distribution fund for the county in which it was collected.

6. Any ordinance enacted pursuant to this section is deemed to include the provisions set forth in paragraph (d) of subsection 3.

Sec. 95. Section 9 of chapter 566, Statutes of Nevada 1993, at page 2329, is hereby amended to read as follows:

Sec. 9. 1. The Commission shall adopt a budget for its operation and for each project it proposes for presentation to the governing bodies. Each budget must be accompanied by a proposed allocation of the net cost of the budget among the governing bodies which must be based upon the benefit of the commission or project to the jurisdiction of the governing body or another equally appropriate indicator.

2. Upon final determination and allocation of the costs by agreement of the governing bodies, each governing body shall include its portion of the costs in its budget for the purposes of chapter 354 of NRS and shall fund its share of the cost by:

(a) Issuing bonds pursuant to chapter 350 of NRS;

(b) Imposing an additional tax on the rental of transient lodging;

(c) Upon approval by the voters, imposing an additional tax upon retailers at a rate not exceeding one-half of 1 percent of the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed in the county;

(d) Upon approval of the voters, levying a property tax not exceeding 2 cents per $100 of assessed valuation on all taxable property in the county; or

(e) Any combination of the options provided in paragraphs (a) to (d), inclusive, including the issuance of bonds which will be repaid from the revenue of one or more of the taxes authorized in this section which may be treated as pledged revenues for the purposes of NRS 350.020.

3. If the county imposes a tax pursuant to paragraph (c) of subsection 2 it shall include in the ordinance imposing the tax:

(a) Provisions substantially identical to those contained in chapter 374 of NRS;

(b) A provision stating that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with the provisions of the ordinance, automatically become a part of the ordinance;

(c) A provision that the county shall contract before the effective date of the ordinance with the Department to perform all functions incident to the administration or operation of the tax in the county; and

(d) The date on which the tax must first be imposed, which must ~~[not be earlier than]~~ *be* the first day of the ~~[second calendar month following]~~ *first calendar quarter that begins at least 120 days after* the adoption of the ordinance by the governing body.

4. The Commission is not entitled to a distribution of revenue from the supplemental city-county relief tax.

Sec. 96. Section 3 of the Elko County Hospital Tax Act, being chapter 14, Statutes of Nevada 1997, at page 29, is hereby amended to read as follows:

Sec. 3. 1. The Board may enact an ordinance imposing a tax for the construction of a hospital pursuant to section 4 of this Act.

2. A tax so imposed may be collected for not more than 4 years after the date upon which it is first imposed. The ending date of the tax must be specified in the ordinance.

3. An ordinance enacted pursuant to this act may not become effective before a question concerning the imposition of the tax is approved by a majority of the registered voters of Elko County voting upon the question. The Board may submit the question to the voters at a special election held at the same time and places as a municipal election or at a general election. The Board shall also submit to the voters at such a special or general election any proposal to increase the rate of the tax or change the previously approved uses for the proceeds of the tax.

4. Any ordinance enacted pursuant to this section must specify the date on which the tax must first be imposed or on which an increase in the rate of the tax becomes effective, which must ~~[not be earlier than]~~ *be* the first day of the ~~[second calendar month following]~~ *first calendar quarter that begins at least 120 days after* the approval of the question by the voters.

Sec. 97. Section 4 of the Elko County Hospital Tax Act, being chapter 14, Statutes of Nevada 1997, at page 30, is hereby amended to read as follows:

Sec. 4. Except as otherwise provided in section 12 of this Act, any ordinance adopted pursuant to this Act, except an ordinance authorizing the issuance of bonds or other securities, must include provisions in substance as follows:

1. A provision imposing a tax upon retailers at the rate of not more than 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in Elko County.

2. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

3. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this act, automatically become a part of an ordinance imposing the taxes.

4. A provision that the Board shall contract before the effective date of the taxing ordinance with the Department to perform all functions incident to the administration or operation of the tax in the County.

5. A provision that ~~[exempts from the tax or any increase in the tax the gross receipts from]~~ *a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon* the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property, entered into on or before the effective date of the tax or the increase in the tax, or for which a binding bid was

submitted before that date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

Sec. 98. Section 13 of the Elko County Hospital Tax Act, being chapter 14, Statutes of Nevada 1997, at page 32, is hereby amended to read as follows:

Sec. 13. 1. Subject to the provisions of subsection 2, the Board may gradually reduce the amount of the tax imposed pursuant to this Act. *The date on which any reduction in the tax becomes effective must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance reducing the amount of the tax imposed.*

2. No such taxing ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds issued pursuant to this Act, or other obligations incurred pursuant to this Act, until all obligations, for which revenues from the ordinance have been pledged or otherwise made payable from such revenues pursuant to this act, have been discharged in full.

Sec. 99. Section 8A.080 of the Charter of Carson City, being chapter 16, Statutes of Nevada 1997, at page 43, is hereby amended to read as follows:

Sec. 8A.080 Required provisions of ordinance. An ordinance enacted pursuant to this article, except an ordinance authorizing the issuance of bonds or other securities, must include provisions in substance as follows:

1. A provision imposing a tax of not more than one-quarter of 1 percent of the gross receipts of any retailer from the sale of all personal property sold at retail, or stored, used or otherwise consumed in Carson City.

2. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

3. A provision that an amendment to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this article, automatically becomes a part of the ordinance imposing the tax.

4. A provision that the Board shall contract before the effective date of the ordinance with the Department to perform all the functions incident to the administration or operation of the tax in Carson City.

5. A provision that ~~[exempts from the tax the gross receipts from]~~ *a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon* the sale of tangible personal property used for the performance of a written contract for the construction of an improvement to real property:

(a) That was entered into on or before the effective date of the tax; or

(b) For which a binding bid was submitted before that date if the bid was afterward accepted,

and pursuant to the terms of the contract or bid, the contract price or bid amount may not be adjusted to reflect the imposition of the tax.

6. A provision that specifies the date on which the tax is first imposed or on which any changes in the rate of the tax becomes effective, which must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance.

Sec. 100. Section 24 of the Railroad Grade Separation Projects Act, being chapter 506, Statutes of Nevada 1997, as last amended by chapter 28, Statutes of Nevada 1999, at page 64, is hereby amended to read as follows:

Sec. 24. 1. The Board of County Commissioners of Washoe County may by ordinance, but not as in a case of emergency, impose a tax upon the retailers at the rate of not more than one-eighth of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county if:

(a) The City of Reno imposes a tax on the rental of transient lodging pursuant to NRS 268.7845 in the maximum amount allowed by that section; and

(b) The Board receives a written commitment from one or more sources for the expenditure of not less than one-half of the total cost of a project for the acquisition, establishment, construction or expansion of railroad grade separation projects in Washoe County, including the estimated proceeds of the tax described in paragraph (a).

2. An ordinance enacted pursuant to subsection 1 may not become effective before a question concerning the imposition of the tax is approved by a two-thirds majority of the members of the Board of County Commissioners.

3. An ordinance enacted pursuant to subsection 1 must specify the date on which the tax must first be imposed which must occur on the first day of the first month of the next calendar quarter that is at least ~~[60]~~ *120* days after the date on which a two-thirds majority of the Board of County Commissioners approved the question.

4. An ordinance enacted pursuant to subsection 1 must include provisions in substance as follows:

(a) Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

(b) A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this section, automatically become a part of an ordinance enacted pursuant to subsection 1.

(c) A provision stating the specific purpose for which the proceeds of the tax must be expended.

(d) A provision that ~~[exempts from the tax the gross receipts from]~~ *a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon* the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract:

(1) Entered into on or before the effective date of the tax; or

(2) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax if the bid was afterward accepted,

if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax.

5. No ordinance imposing a tax which is enacted pursuant to subsection 1 may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax enacted pursuant to subsection 1 until those bonds or other obligations have been discharged in full.

6. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the County pursuant to this section must be paid to the Department of Taxation in the form of remittances payable to the Department of Taxation.

7. The Department of Taxation shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.

8. The State Controller, acting upon the collection data furnished by the Department of Taxation, shall monthly:

(a) Transfer from the Sales and Use Tax Account to the appropriate account in the State General Fund a percentage of all fees, taxes, interest and penalties collected pursuant to this section during the preceding month as compensation to the state for the cost of collecting the taxes. The percentage to be transferred pursuant to this paragraph must be the same percentage as the percentage of proceeds transferred pursuant to paragraph (a) of subsection 3 of NRS 374.785 but the percentage must be applied to the proceeds collected pursuant to this section only.

(b) Determine for the County an amount of money equal to any fees, taxes, interest and penalties collected in or for the county pursuant to this section during the preceding month, less the amount transferred to the State General Fund pursuant to paragraph (a).

(c) Transfer the amount determined for the County to the intergovernmental fund and remit the money to the County Treasurer.

9. The County Treasurer shall deposit the money received pursuant to subsection 8 in the County Treasury for credit to a fund to be known as the Railroad Grade Separation Projects Fund. The Railroad Grade Separation Projects Fund must be accounted for as a separate fund and not as a part of any other fund.

10. The money in the Railroad Grade Separation Projects Fund, including interest and any other income from the Fund must be used by the Board of County Commissioners for the cost of the acquisition, establishment, construction or expansion of one or more railroad grade

separation projects, including the payment and prepayment of principal and interest on notes, bonds or other obligations issued to fund such projects.

Sec. 101. Section 18 of the Douglas County Sales and Use Tax Act of 1999, being chapter 37, Statutes of Nevada 1999, at page 83, is hereby amended to read as follows:

Sec. 18. An ordinance enacted pursuant to this act, except an ordinance authorizing the issuance of bonds or other securities, must include provisions in substance as follows:

1. A provision imposing a tax of not more than one-quarter of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail or stored, used or otherwise consumed in the County.

2. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

3. A provision that an amendment to chapter 374 of NRS enacted after the effective date of the ordinance, not inconsistent with this act, automatically becomes part of the ordinance imposing the tax.

4. A provision that the Board shall contract before the effective date of the ordinance with the Department to perform all the functions incident to the administration or operation of the tax in the County.

5. A provision that ~~[exempts from the tax the gross receipts from]~~ *a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon* the sale of tangible personal property used for the performance of a written contract for the construction of an improvement to real property:

(a) That was entered into on or before the effective date of the tax; or

(b) For which a binding bid was submitted before that date if the bid was afterward accepted,

and pursuant to the terms of the contract or bid, the contract price or bid amount may not be adjusted to reflect the imposition of the tax.

6. A provision that specifies the date on which the tax is first imposed or on which any change in the rate of the tax becomes effective, which must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance.

Sec. 102. Section 24 of chapter 364, Statutes of Nevada 2001, at page 1716, is hereby amended to read as follows:

Sec. 24. 1. This section, sections 1 to 13, inclusive, and 17 to 23, inclusive, of this act become effective upon passage and approval.

2. ~~[Sections 14, 15 and]~~ *Section* 16 of this act ~~[become]~~ *becomes* effective on the date this state becomes a member of the streamlined sales and use tax agreement.

3. Sections 14 and 15 of this act become effective on January 1, 2006.

Sec. 103. At the general election on November 2, 2004, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the

State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this state at the general election held on November 6, 1956.

Sec. 104. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 105. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 2, 2004, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA
DO ENACT AS FOLLOWS:

Section 1. The above-entitled act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated as section 56.3, immediately following section 56.2, to read as follows:

Sec. 56.3. 1. There are exempted from the taxes imposed by this act the gross receipts from the sale of, and the storage, use or other consumption in a county of, farm machinery and equipment employed for the agricultural use of real property.

2. As used in this section:

(a) "Agricultural use" has the meaning ascribed to it in NRS 361A.030.

(b) "Farm machinery and equipment" means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for the agricultural use of real property.

(c) "Farm tractor" means a motor vehicle designed and used primarily for drawing an implement of husbandry.

(d) "Implement of husbandry" means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.

Sec. 2. This act becomes effective on January 1, 2006.

Sec. 106. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of farm machinery and equipment employed for the agricultural use of real property?

Yes ☐ No ☐

Sec. 107. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act the gross receipts from the sale and the storage, use or other consumption of farm machinery and equipment employed for the agricultural use of real property.

Sec. 108. At the general election on November 2, 2004, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this state at the general election held on November 6, 1956.

Sec. 109. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 110. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 2, 2004, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA
DO ENACT AS FOLLOWS:

Section 1. Section 15 of the above-entitled act, being chapter 397, Statutes of Nevada 1955, at page 765, is hereby amended to read as follows:

Sec. 15. 1. "Retailer" includes:

(a) Every seller who makes any retail sale or sales of tangible personal property, and every person engaged in the business of making retail sales at auction of tangible personal property owned by the person or others.

(b) Every person engaged in the business of making sales for storage, use or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use or other consumption.

(c) Every person making more than two retail sales of tangible personal property during any 12-month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

2. When the Tax Commission determines that it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the Tax Commission may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.

~~[3. A licensed optometrist or physician and surgeon is a consumer of, and shall not be considered, a retailer within the provisions of this chapter, with respect to the ophthalmic materials used or furnished by him in the performance of his professional services in the diagnosis, treatment or correction of conditions of the human eye, including the adaptation of lenses or frames for the aid thereof.]~~

Sec. 2. Section 56.1 of the above-entitled act, being chapter 397, Statutes of Nevada 1955, as added by chapter 306, Statues of Nevada 1969, at page 532, and amended by chapter 627, Statutes of Nevada 1985, at page 2028, and amended by chapter 404, Statutes of Nevada 1995, at page 1007, is hereby amended to read as follows:

Sec. 56.1. 1. There are exempted from the taxes imposed by this act the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis.

(d) *Any ophthalmic or ocular device or appliance prescribed by a physician or optometrist.*

(e) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory ~~[, ophthalmic or ocular]~~ device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 3. This act becomes effective on January 1, 2006.

Sec. 111. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of ophthalmic or ocular devices or appliances prescribed by a physician or optometrist?

Yes ☐ No ☐

Sec. 112. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act the gross receipts from the sale and the storage, use or other consumption of ophthalmic or ocular devices or appliances prescribed by a physician or optometrist.

Sec. 113. At the general election on November 2, 2004, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently

approved by the people of this state at the general election held on November 6, 1956.

Sec. 114. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 115. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 2, 2004, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA
DO ENACT AS FOLLOWS:

Section 1. Section 61.5 of the above-entitled act, being chapter 397, Statutes of Nevada 1955, at page 762, as added by chapter 466, Statutes of Nevada 1985, at page 1441, is hereby amended to read as follows:

Sec. 61.5. There are exempted from the taxes imposed by this chapter the gross receipts from the sale ~~[of aircraft and major components]~~ *and the storage, use or other consumption in this state of:*

1. Aircraft, aircraft engines and component parts of aircraft ~~[, such as engines and other components made for use only in aircraft, to an air carrier which:~~

~~1. Holds a certificate to engage in air transportation issued pursuant to 49 U.S.C. § 1371 and is not solely a charter air carrier or a supplemental air carrier as described in Title 49 of the United States Code; and~~

~~2. Maintains its central office in Nevada and bases a majority of its aircraft in Nevada.]~~ *or aircraft engines which are manufactured exclusively for use in aircraft, sold or purchased for lease to a commercial air carrier for use in the transportation of persons or property in intrastate, interstate or foreign commerce pursuant to a certificate or license issued to the air carrier authorizing such transportation; and*

2. Machinery, tools and other equipment and parts which are used exclusively in the repair, remodeling or maintenance of aircraft, aircraft engines or component parts of aircraft or aircraft engines which meet the requirements of subsection 1.

Sec. 2. This act becomes effective on January 1, 2006.

Sec. 116. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to revise and clarify the criteria used to determine which aircraft and parts of aircraft are exempt from the taxes imposed by this Act, including removing the requirement that an air carrier must be based in Nevada to be eligible for the exemption, and providing an exemption for certain machinery and equipment used on eligible aircraft and parts of aircraft?

Yes ☐ No ☐

Sec. 117. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 revises and clarifies the criteria used to determine which aircraft and parts of aircraft are exempt from the taxes imposed by this Act, including removing the requirement that an air carrier must be based in Nevada to be eligible for the exemption, and providing an exemption for certain machinery and equipment used on eligible aircraft and parts of aircraft.

Sec. 118. At the general election on November 2, 2004, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this state at the general election held on November 6, 1956.

Sec. 119. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 120. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 2, 2004, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA
DO ENACT AS FOLLOWS:

Section 1. The above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated as section 61.6, immediately following section 61.5, to read as follows:

Sec. 61.6. 1. There are exempted from the taxes imposed by this chapter the gross receipts from the sale, furnishing or service of, and the storage, use or other consumption in this state of:

(a) All engines and chassis of a professional racing vehicle;

(b) All parts and components that are used to replace or rebuild existing parts or components of any engine or chassis of a professional racing vehicle;

(c) All motor vehicles used by professional racing teams to transport professional racing vehicles or to transport parts or components of professional racing vehicles, including, without limitation, an engine and chassis of a professional racing vehicle; and

(d) All motor vehicles used by a professional racing team or sanctioning body to transport the business office of the professional racing team or sanctioning body or to transport a facility from which hospitality services are provided.

2. As used in this section:

(a) "Professional racing team" means a racing operation that qualifies for the taxable year as an activity engaged in for profit pursuant to the Internal Revenue Code, Title 26 of the United States Code.

(b) "Professional racing motor vehicle" means any motor vehicle which is used in a professional racing competition and which is owned, leased or operated by a professional racing team.

(c) "Sanctioning body" means an organization that establishes an annual schedule of professional racing events in which professional racing teams participate, grants rights to conduct such events and establishes and administers rules and regulations governing the persons who conduct or participate in such events.

Sec. 2. This act becomes effective on January 1, 2006.

Sec. 121. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of engines and chassis, including replacement parts and components for the engines and chassis, of professional racing vehicles that are owned, leased or operated by professional racing teams?

Yes ☐ No ☐

Sec. 122. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act the gross receipts from the sale

and the storage, use or other consumption of engines and chassis, including replacement parts and components for the engines and chassis, of professional racing vehicles that are owned, leased or operated by professional racing teams.

Sec. 123. At the general election on November 2, 2004, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this state at the general election held on November 6, 1956.

Sec. 124. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 125. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 2, 2004, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA
DO ENACT AS FOLLOWS:

Section 1. The above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto two new sections to be designated as sections 57.1 and 57.2, respectively, immediately following section 57, to read as follows:

Sec. 57.1. 1. Except as otherwise provided in section 57.2 of chapter 397, Statutes of Nevada 1955, there are exempted from the taxes imposed by this chapter the gross receipts from the sale of, and the storage, use or other consumption of, works of fine art for public display.

2. In determining whether a payment made pursuant to a lease of a work of fine art is exempt under subsection 1, the value for the purpose of paragraph (a) of subsection 4 is the value of the work and not the value of possession for the term of the lease, and the calendar or fiscal year described in paragraph (a) of subsection 4 is the first full calendar or fiscal year, respectively, after the payment is made.

3. During the first full fiscal year following the purchase of fine art for which a taxpayer receives the exemption provided in this section, the taxpayer shall make available, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home

pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display and that the facility makes available for purchase by the public at the time of the request.

4. As used in this section:

(a) "Fine art for public display":

(1) Except as otherwise provided in subparagraph (2), means a work of art which:

(I) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;

(II) Is purchased in an arm's length transaction for $25,000 or more, or has an appraised value of $25,000 or more;

(III) Will be on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of the first full calendar year after the date on which it is purchased or, if the facility displaying the fine art disposes of it before the end of that year, during at least two-thirds of the full weeks during which the facility had possession of it, or if the gallery, museum, or other building or area in which the fine art will be displayed will not be opened until after the beginning of the first full calendar year after the date on which the fine art is purchased, these display requirements must instead be met for the first full fiscal year after the date of opening, and the date of opening must not be later than 2 years after the purchase of the fine art being displayed; and

(IV) Will be on display in a facility that is available for group tours by pupils or students for at least 5 hours on at least 60 days of the first full fiscal year after the purchase of the fine art, during which the facility in which it is displayed is open, by prior appointment and at reasonable times, without charge; and

(2) Does not include:

(I) A work of fine art that is a fixture or an improvement to real property;

(II) Materials purchased by an artist for consumption in the production of a work of art that is to be a fixture or an improvement to real property;

(III) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(IV) Products of filmmaking or photography, including, without limitation, motion pictures;

(V) Literary works;

(VI) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VII) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or

custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

(b) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(c) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory attendance pursuant to NRS 392.070.

(d) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.

Sec. 57.2. 1. A taxpayer may collect an admission fee for the exhibition of fine art otherwise exempt from taxation on its sale, storage, use or other consumption pursuant to section 57.1 of chapter 397, Statutes of Nevada 1955, if the taxpayer offers to residents of the State of Nevada a discount of 50 percent from any admission fee charged to nonresidents. The discounted admission fee for residents must be offered at any time the exhibition is open to the public and admission fees are being charged.

2. If a taxpayer collects a fee for the exhibition of fine art otherwise exempt from taxation on its sale, storage, use or other consumption pursuant to section 57.1 of chapter 397, Statutes of Nevada 1955, and the fee is collected during the first full fiscal year after the purchase of the fine art, the exemption pertaining to that fine art must be reduced by the net revenue derived by the taxpayer for that first full fiscal year. The exemption pertaining to fine art must not be reduced below zero, regardless of the amount of the net revenue derived by the taxpayer for that first full fiscal year.

3. Any tax due pursuant to this section must be paid with the first sales and use tax return otherwise required to be filed by the taxpayer following the 15th day of the fourth month after the end of the first full fiscal year following the purchase of the fine art or, if no sales and use tax return is otherwise required to be filed by the taxpayer, with a sales and use tax return filed specifically for this purpose on or before the last day of the fourth month after the end of the first full fiscal year following the purchase of the fine art.

4. A taxpayer who is required to pay a tax resulting from the operation of this section may receive a credit against the tax for any donations made by the taxpayer to the State Arts Council, the Division of Museums and History Dedicated Trust Fund established pursuant to NRS 381.0031, a museum that provides exhibits specifically related to nature or a museum that provides exhibits specifically related to children, if the taxpayer:

(a) Made the donation before the date that either return required pursuant to subsection 3 is due; and

(b) Provides the Department documentation of the donation at the time that he files the return required pursuant to subsection 3.

5. For the purposes of this section:

(a) "Direct costs of owning and exhibiting the fine art" does not include any allocation of the general and administrative expense of a business or organization that conducts activities in addition to the operation of the facility in which the fine art is displayed, including, without limitation, an allocation of the salary and benefits of a senior executive who is responsible for the oversight of the facility in which the fine art is displayed and who has substantial responsibilities related to the other activities of the business or organization.

(b) "Net revenue" means the amount of the fees collected for exhibiting the fine art during the fiscal year less the following paid or made during the fiscal year:

(1) The direct costs of owning and exhibiting the fine art; and

(2) The cost of educational programs associated with the taxpayer's public display of fine art, including the cost of meeting the requirements of sub-subparagraph (IV) of subparagraph (1) of paragraph (a) of subsection 4 of section 57.1 of chapter 397, Statutes of Nevada 1955.

Sec. 2. Section 6 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 763, is hereby amended to read as follows:

Sec. 6. 1. "Retail sale" or "sale at retail" means a sale for any purpose other than resale in the regular course of business of tangible personal property. *The terms do not include a sale of property that:*

(a) Meets the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 4 of section 57.1 of chapter 397, Statutes of Nevada 1955;

(b) Is made available for sale within 2 years after it is acquired; and

(c) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

2. The delivery in this state of tangible personal property by an owner or former owner thereof or by a factor, or agent of such owner, former owner or factor, if the delivery is to a consumer or person for redelivery to a consumer, pursuant to a retail sale made by a retailer not engaged in business in this state, is a retail sale in this state by the person making the delivery. He shall include the retail selling price of the property in his gross receipts.

Sec. 3. Section 7 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 763, is hereby amended to read as follows:

Sec. 7. "Storage" includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased from a retailer. *The term does not include keeping, retaining or exercising any right or power over tangible property that:*

1. Meets the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 4 of section 57.1 of chapter 397, Statutes of Nevada 1955;

2. Is made available for sale within 2 years after it is acquired; and

3. Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

Sec. 4. This act becomes effective on January 1, 2006.

Sec. 126. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of works of fine art for public display?

Yes ☐ No ☐

Sec. 127. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act the gross receipts from the sale and the storage, use or other consumption of works of fine art for public display.

Sec. 128. At the general election on November 2, 2004, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this state at the general election held on November 6, 1956.

Sec. 129. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 130. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 2, 2004, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA
DO ENACT AS FOLLOWS:

Section 1. The above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto three new sections to be designated as sections 18.2, 47.4 and 47.5, respectively, immediately following sections 18.1 and 47, respectively, to read as follows:

Sec. 18.2. "Vehicle" has the meaning ascribed to it in NRS 482.135.

Sec. 47.4. 1. For the purposes of this section, "authorized appraisal" means an appraisal of the value of a motor vehicle made by:

(a) An employee of the Department of Motor Vehicles on its behalf;

(b) A county assessor or his employee as an agent of the Department of Motor Vehicles;

(c) A person licensed by the Department of Motor Vehicles as a dealer; or

(d) An independent appraiser authorized by the Department of Motor Vehicles.

2. When computing the tax on the sale of a vehicle by a seller who is not required to be registered by the Department of Taxation, the Department of Motor Vehicles or the county assessor as an agent of the Department of Taxation shall, if an authorized appraisal is submitted, use as the vehicle's sales price the amount stated on the authorized appraisal or $100, whichever is greater.

3. The Department of Motor Vehicles shall establish by regulation the procedure for appraising vehicles and shall establish and make available a form for an authorized appraisal.

4. The Department of Motor Vehicles shall retain a copy of the appraisal considered pursuant to subsection 2 with its record of the collection of the tax.

5. A fee which does not exceed $10 may be charged and collected for each authorized appraisal made. Any money so collected by the Department of Motor Vehicles for such an appraisal made by its employees must be deposited with the State Treasurer to the credit of the Motor Vehicle Fund. Any money so collected by a county assessor must be deposited with the county treasurer to the credit of the county's general fund.

6. If an authorized appraisal is not submitted, the Department of Motor Vehicles or the county assessor as an agent of the Department of Taxation shall establish the sales price as a value which is based on the depreciated value of the vehicle as determined in accordance with the schedule in section 47.5 of chapter 397, Statutes of Nevada 1955. To determine the original

price from which the depreciation is calculated, the Department of Motor Vehicles shall use:

(a) The manufacturer's suggested retail price in Nevada, excluding options and extras, as of the time the particular make and year model is first offered for sale in Nevada;

(b) If the vehicle is specially constructed, the original retail price to the original purchaser of the vehicle as evidenced by such document or documents as the Department may require;

(c) The procedures set forth in subsections 3 and 4 of NRS 371.050; or

(d) If none of these applies, its own estimate from any available information.

Sec. 47.5. 1. Except as provided in subsection 2, for the purpose of computing the tax on the sale of a vehicle by a seller who is not required to be registered with the Department of Taxation in the manner provided for in subsection 6 of section 47.4 of chapter 397, Statutes of Nevada 1955, a vehicle must be depreciated according to the following schedule:

Age	*Percentage of Initial Value*
New	*100 percent*
1 year	*85 percent*
2 years	*75 percent*
3 years	*65 percent*
4 years	*60 percent*
5 years	*55 percent*
6 years	*50 percent*
7 years	*45 percent*
8 years	*40 percent*
9 years	*35 percent*
10 years	*30 percent*
11 years	*25 percent*
12 years	*20 percent*
13 years	*15 percent*
14 years or more	*10 percent*

2. The amount of depreciation calculated under subsection 1 must be rounded to the nearest whole multiple of $20 and the depreciated value must not be reduced below $100.

Sec. 2. Section 11 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 764, is hereby amended to read as follows:

Sec. 11. 1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property prior to its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax , ~~[(]~~ not including ~~[, however,]~~ any manufacturers' or importers' excise tax , ~~[)]~~ imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle that is taken in trade on the purchase of another vehicle.

4. For the purpose of a sale of a vehicle by a seller who is not required to be registered with the Department of Taxation, the sales price is the value established in the manner set forth in section 47.4 of chapter 397, Statutes of Nevada 1955.

Sec. 3. Section 12 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 764, is hereby amended to read as follows:

Sec. 12. 1. "Gross receipts" means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the Tax Commission may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the State or has paid the use tax with respect to the property, and has resold the property ~~[prior to]~~ *before* making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense.

(c) The cost of transportation of the property ~~[prior to]~~ *before* its sale to the purchaser.

2. The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

3. "Gross receipts" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) ~~[Sale]~~ *The sale* price of property returned by customers when the full sale price is refunded either in cash or credit *,* ~~[;]~~ but this exclusion ~~[shall]~~ *does* not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax *,* ~~[(]~~ not including ~~[, however,]~~ any manufacturers' or importers' excise tax *,* ~~[)]~~ imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.

4. For purposes of the sales tax, if the retailers establish to the satisfaction of the Tax Commission that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Sec. 4. Section 15 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 765, is hereby amended to read as follows:

Sec. 15. 1. "Retailer" includes:

(a) Every seller who makes any retail sale or sales of tangible personal property, and every person engaged in the business of making retail sales at auction of tangible personal property owned by the person or others.

(b) Every person engaged in the business of making sales for storage, use or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use or other consumption.

(c) Every person making *any retail sale of a vehicle or* more than two retail sales of *other* tangible personal property during any 12-month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

2. When the Tax Commission determines that it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of

whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the Tax Commission may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.

3. A licensed optometrist or physician and surgeon is a consumer of, and shall not be considered, a retailer within the provisions of this chapter, with respect to the ophthalmic materials used or furnished by him in the performance of his professional services in the diagnosis, treatment or correction of conditions of the human eye, including the adaptation of lenses or frames for the aid thereof.

Sec. 5. Section 18.1 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 766, is hereby amended to read as follows:

Sec. 18.1 NRS 372.035 is hereby amended to read as follows:

372.035 1. "Occasional sale" includes:

(a) A sale of property not held or used by a seller in the course of an activity for which he is required to hold a seller's permit, ~~[provided such]~~ *if the* sale is not one of a series of sales sufficient in number, scope and character to constitute an activity requiring the holding of a seller's permit.

(b) Any transfer of all or substantially all the property held or used by a person in the course of such an activity when after ~~[such]~~ *the* transfer the real or ultimate ownership of ~~[such]~~ *the* property is substantially similar to that which existed before ~~[such]~~ *the* transfer.

2. *The term does not include the sale of a vehicle other than the sale or transfer of a used vehicle to the seller's spouse, child, grandchild, parent, grandparent, brother or sister. For the purposes of this section, the relation of parent and child includes adoptive and illegitimate children and stepchildren.*

3. For the purposes of this section, stockholders, bondholders, partners or other persons holding an interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the property of such corporation or other entity.

Sec. 6. This act becomes effective on January 1, 2006.

Sec. 131. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of the value of any used vehicle taken in trade on the purchase of another vehicle and to remove the exemption from those taxes for occasional sales of vehicles except where such sales are between certain family members?

Yes ☐ No ☐

Sec. 132. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes by this Act the gross receipts from the sale and the storage, use or other consumption of the value of any used vehicle taken in trade on the purchase of another vehicle and remove the exemption from those taxes for occasional sales of vehicles except where such sales are between certain family members.

Sec. 133. If a majority of the votes cast on the question submitted to the voters pursuant to section 105, 110, 115, 120, 125 or 130 of this act is yes, the respective amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2006. If less than a majority of votes cast on a question is yes, the question fails and that amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 134. All general election laws not inconsistent with this act are applicable.

Sec. 135. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of any proposed act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the office of the Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.

Sec. 136. 1. Except as otherwise provided in this section, the Department of Taxation shall waive the amount of any sales and use taxes, and any penalties and interest thereon, otherwise due in this state from a seller at the time the seller registers pursuant to section 9 of this act if the seller:

(a) During the year 2005:

(1) Did not hold a seller's permit issued pursuant to chapter 372 or 374 of NRS; and

(2) Was not registered as a retailer pursuant to chapter 372 or 374 of NRS;

(b) Registers pursuant to section 9 of this act no later than December 31, 2006; and

(c) Remains registered pursuant to section 9 of this act for at least 36 months and collects and remits to this state all sales and use taxes due in this state for that period. Each statutory period of limitation applicable to any procedure or proceeding for the collection or enforcement of any sales or use tax due from a seller at the time the seller registers as provided in paragraph (b) is tolled for 36 months from the commencement of that registration.

2. The Department of Taxation shall not, pursuant to this section, waive any liability of a seller:

(a) Regarding any matter for which the seller received notice of the commencement of an audit which, including any related administrative and judicial procedures, has not been finally resolved before the registration of the seller pursuant to section 9 of this act.

(b) For any sales and use taxes collected by the seller or paid or remitted to the State before the registration of the seller pursuant to section 9 of this act.

(c) For any fraud or material misrepresentation of a material fact committed by the seller.

(d) For any sales or use taxes due from the seller in his capacity as a buyer and not as a seller.

3. For the purposes of this section, the words and terms defined in NRS 360B.040 to 360B.100, inclusive, as amended by this act, have the meanings ascribed to them in those sections.

Sec. 137. The amendatory provisions of sections 83, 84, 85, 87 to 92, inclusive, and 94 to 101, inclusive, of this act do not apply to any ordinance enacted before January 1, 2006.

Sec. 138. 1. NRS 374.107, 374.112 and 374.113 are hereby repealed.

2. NRS 374.286 is hereby repealed.

3. NRS 374.291 and 374.2911 are hereby repealed.

4. NRS 374.322 is hereby repealed.

5. NRS 374.323 is hereby repealed.

Sec. 139. 1. This section and section 102 of this act become effective upon passage and approval.

2. Sections 103 to 135, inclusive, of this act become effective on July 1, 2003.

3. Sections 1 to 29, inclusive, 32 to 38, inclusive, 40 to 50, inclusive, 52 to 57, inclusive, 66, 67, 69 to 72, inclusive, 74 to 80, inclusive, 83, 84, 85, 87 to 92, inclusive, 94 to 101, inclusive, 136 and 137 of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2006, for all other purposes.

4. Section 39 of this act becomes effective on January 1, 2006, only if the proposal submitted pursuant to sections 128 to 132, inclusive, of this act is approved by the voters at the general election on November 2, 2004.

5. Sections 58, 59, 60, 63, 64, 68, 82, 86 and 93 and subsection 1 of section 138 of this act become effective on January 1, 2006, only if the proposal submitted pursuant to sections 128 to 132, inclusive, of this act is not approved by the voters at the general election on November 2, 2004.

6. Section 30 of this act becomes effective on January 1, 2006, only if the proposal submitted pursuant to sections 123 to 127, inclusive, of this act is approved by the voters at the general election on November 2, 2004.

7. Sections 31, 61 and 65 and subsection 3 of section 138 of this act become effective on January 1, 2006, only if the proposal submitted pursuant to sections 123 to 127, inclusive, of this act is not approved by the voters at the general election on November 2, 2004.

8. Sections 62 and 73 of this act become effective on January 1, 2006, only if the proposal submitted pursuant to sections 108 to 112, inclusive, of this act is not approved by the voters at the general election on November 2, 2004.

9. Sections 51 and 81 and subsection 2 of section 138 of this act becomes effective on January 1, 2006, only if the proposal submitted pursuant to sections 103 to 107, inclusive, of this act is not approved by the voters at the general election on November 2, 2004.

10. Subsection 4 of section 138 of this act becomes effective on January 1, 2006, only if the proposal submitted pursuant to sections 113 to 117, inclusive, of this act is not approved by the voters at the general election on November 2, 2004.

11. Subsection 5 of section 138 of this act becomes effective on January 1, 2006, only if the proposal submitted pursuant to sections 118 to 122, inclusive, of this act is not approved by the voters at the general election on November 2, 2004.

LEADLINES OF REPEALED SECTIONS

374.107 "Vehicle" defined.

374.112 Procedure for computing tax on sale of vehicle by seller who is not required to be registered.

374.113 Schedule of depreciation for tax on sale of vehicle.

374.286 Farm machinery and equipment.

374.291 Works of fine art for public display: General requirements.

374.2911 Works of fine art for public display: Collection of admission fee for exhibition.

374.322 Aircraft, aircraft engines and component parts of aircraft.

374.323 Engines, chassis, parts and components of professional racing vehicles; certain vehicles used by professional racing team or sanctioning body.".

Amend the title of the bill to read as follows:

"AN ACT relating to taxation; providing for the enactment of certain provisions that are necessary to carry out the Streamlined Sales and Use Tax Agreement; providing for the electronic registration of sellers; establishing requirements for determining the place of sales for the purposes of sales and use taxes; establishing requirements for claiming an exemption from such taxes; providing for the electronic payment of such taxes; providing for the submission to the voters of questions relating to whether the Sales and Use Tax Act of 1955 should be amended to conform to the Agreement; and providing other matters properly relating thereto.".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

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

Assembly in recess at 2:31 p.m.

ASSEMBLY IN SESSION

At 2:45 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 246 be taken from the General File and placed at the top of the General File

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 246.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 497.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. The Legislature hereby finds and declares that in creating the Center for the Analysis of Crime Statistics within the Department of Criminal Justice at the University of Nevada, Las Vegas, pursuant to sections 1 and 2 of this act the intent of the Legislature is that:

1. The gifts, grants and donations that the Center is authorized to accept be used to finance the operational costs of the Center; and

2. The University and Community College System of Nevada not request general fund appropriations to support the operational costs of the Center.".

Amend the title of the bill, fifth line, after "functions;" by inserting: "declaring the intent of the Legislature in creating the Center;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.

Motion carried.

Assembly in recess at 2:47 p.m.

ASSEMBLY IN SESSION

At 5:13 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 533 be placed on the Second Reading File.

Motion carried.

Assemblyman Goldwater moved that the action whereby Assembly Bill No. 429 was amended with Amendment No. 532 be rescinded.

Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 429 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 533.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 351.

Amend the bill as a whole by deleting section 1 and adding:

"Section 1. (Deleted by amendment.)".

Amend sec. 4, page 3, lines 31 and 32, by deleting: "spouses and orphan children," and inserting: "spouses *,* ~~[and orphan children,]~~".

Amend sec. 4, page 3, line 37, by deleting: "or orphan child" and inserting: "~~[or orphan child]~~".

Amend sec. 4, page 3, line 38, by deleting: "spouse or orphan child." and inserting: "spouse . ~~[or orphan child.]~~".

Amend sec. 7, pages 5 and 6, by deleting lines 36 through 45 on page 5 and lines 1 through 3 on page 6 and inserting: "resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and ~~[January 31, 1955;]~~ *December 31, 1960, or between July 1, 1958, and November 1, 1958,*

or between December 31, 1960, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975; ~~[or]~~

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1 ~~[,]~~ *; or*

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

and who received, upon severance from service,".

Amend sec. 7, page 6, by deleting line 34 and inserting: "~~[Veterans' Home Account,]~~ *Gift Account for Veterans' Homes established pursuant to*".

Amend sec. 8, page 7, by deleting lines 16 through 28 and inserting: "who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and ~~[January 31, 1955;]~~ *December 31, 1960, or between July 1, 1958, and November 1, 1958, or between December 31, 1960, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;*

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975; ~~[or]~~

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1 ~~[,]~~ *; or*

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

and who received, upon severance from service,".

Amend sec. 8, page 8, by deleting line 3 and inserting: "~~[Veterans' Home Account,]~~ *Gift Account for Veterans' Homes established pursuant to*".

Amend sec. 9, page 8, line 39, by deleting: "Veterans' Home Account" and inserting: "~~[Veterans' Home]~~ *Gift Account for Veterans' Homes*".

Amend sec. 9, page 9, line 1, by deleting: "Veterans' Home Account" and inserting: "~~[Veterans' Home]~~ *Gift Account for Veterans' Homes*".

Amend sec. 10, page 9, lines 17 and 24, by deleting: "Veterans' Home Account" and inserting: "~~[Veterans' Home]~~ *Gift Account for Veterans' Homes*".

Amend sec. 11, page 10, line 29, by deleting: "*Veterans' Home Account*" and inserting: "*Gift Account for Veterans' Homes*".

Amend sec. 12, page 12, line 12, by deleting: "*Veterans' Home Account*" and inserting: "*Gift Account for Veterans' Homes*".

Amend the bill as a whole by adding new sections designated sections 12.3 and 12.7, following sec. 12, to read as follows:

"Sec. 12.3. NRS 361.155 is hereby amended to read as follows:

361.155 1. All claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the ~~[Veterans' Home]~~ *Gift* Account *for Veterans' Homes* pursuant to NRS 361.0905 must be filed on or before June 15. All exemptions provided for pursuant to this chapter apply on a fiscal year basis and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.

2. Each claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions; or

(b) Each county in which property is located for the tax exemption of an organization.

3. After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

4. If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection 3, the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years must be added.

Sec. 12.7. NRS 361.1565 is hereby amended to read as follows:

361.1565 The personal property tax exemption to which a surviving spouse, ~~[orphan child,]~~ blind person, veteran or surviving spouse of a disabled veteran is entitled pursuant to NRS 361.080, 361.085, 361.090 or 361.091 is reduced to the extent that he is allowed an exemption from the governmental services tax pursuant to chapter 371 of NRS.".

Amend the bill as a whole by deleting sec. 14 and adding:

"Sec. 14. (Deleted by amendment.)".

Amend sec. 16, page 17, line 16, by deleting "*water rights,*".

Amend sec. 16, page 17, line 19, by deleting "*this section*" and inserting: "*subsections 1 and 2*".

Amend sec. 19, page 20, by deleting lines 25 and 26 and inserting:

"(b) To ~~[cause]~~ *make* such list and valuations ~~[to be published once]~~ *available for public inspection* on or before January 1 of the fiscal year in which assessment is made . *A copy of the list and valuations must be:*

(1) Posted in a public area of all public libraries and branch libraries located in the county and in a public area of the county courthouse or the county office building in which the county assessor's office is located; and

(2) Posted on a website or other Internet site that is operated or administered by or on behalf of the county or county assessor or, if there is no such site, published once in a".

Amend the bill as a whole by deleting sec. 20 and adding:

"Sec. 20. (Deleted by amendment.)".

Amend sec. 22, page 25, lines 11 and 12, by deleting: "*is excessive or*" and inserting: "*exceeds the full cash value of a fee simple interest in the property or is*".

Amend sec. 26, page 29, line 5, by deleting "*require*" and inserting "*authorized*".

Amend sec. 26, page 29, line 9, by deleting: "*is excessive or*" and inserting:

"*exceeds the full cash value of a fee simple interest in the property or is*".

Amend sec. 39, page 39, lines 20 and 21, by deleting: "spouses and orphan children" and inserting: "spouses *,* ~~[and orphan children]~~".

Amend sec. 39, page 39, line 26, by deleting: "or orphan child" and inserting: "~~[or orphan child]~~".

Amend sec. 39, page 39, line 27, by deleting: "spouse or orphan child." And inserting: "spouse . ~~[or orphan child.]~~".

Amend sec. 41, pages 40 and 41, by deleting lines 37 through 44 on page 40 and lines 1 through 5 on page 41 and inserting:"fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and ~~[January 31, 1955;]~~ *December 31, 1960, or between July 1, 1958, and November 1, 1958, or between December 31, 1960, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;*

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975; ~~[or]~~

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1 ~~[,]~~ *; or*

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

and who received, upon severance from service,".

Amend sec. 41, page 41, by deleting line 34 and inserting: "~~[Veterans' Home Account,]~~ *Gift Account for Veterans' Homes established pursuant to*".

Amend sec. 42, page 42, by deleting lines 16 through 28 and inserting: "Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and ~~[January 31, 1955;]~~ *December 31, 1960, or between July 1, 1958, and November 1, 1958, or between December 31, 1960, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;*

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975; ~~[or]~~

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1 ~~[,]~~ *; or*

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty, and who received, upon severance from service,".

Amend sec. 42, page 43, by deleting line 2 and inserting: "~~[Veterans' Home Account,]~~ *Gift Account for Veterans' Homes established pursuant to*".

Amend sec. 43, page 43, line 38, by deleting: "Veterans' Home Account" and inserting: "~~[Veterans' Home]~~ *Gift Account for Veterans' Homes*".

Amend sec. 43, page 43, lines 43 and 44, by deleting: "Veterans' Home Account" and inserting: "~~[Veterans' Home]~~ *Gift Account for Veterans' Homes*".

Amend sec. 44, page 44, line 15, by deleting: "Veterans' Home Account" and inserting: "~~[Veterans' Home]~~ *Gift Account for Veterans' Homes*".

Amend sec. 44, page 44, lines 20 and 21, by deleting: "Veterans' Home Account" and inserting: "~~[Veterans' Home]~~ *Gift Account for Veterans' Homes*".

Amend sec. 45, page 45, line 26, by deleting: "*Veterans' Home Account*" and inserting: "*Gift Account for Veterans' Homes*".

Amend sec. 46, page 46, line 42, by deleting: "*Veterans' Home Account*" and inserting: "*Gift Account for Veterans' Homes*".

Amend the bill as a whole by adding a new section designated sec. 46.5, following sec. 46, to read as follows:

"Sec. 46.5. NRS 371.105 is hereby amended to read as follows:

371.105 Claims pursuant to NRS 371.101, 371.102, 371.103 or 371.104 for tax exemption on the governmental services tax and designations of any amount to be credited to the ~~[Veterans' Home]~~ *Gift* Account *for Veterans' Homes* pursuant to NRS 371.1035 must be filed annually at any time on or before the date when payment of the tax is due. All exemptions provided for in this section must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.".

Amend sec. 47, page 48, line 13, by deleting:

"2. ~~[The]~~ *Any*" and inserting "2. *Any*".

Amend sec. 47, page 48, by deleting lines 16 through 26 and inserting:

"*3.* The county recorder shall not record with respect to real property any ~~[conveyance of real property or instrument in writing setting forth an agreement to convey real property]~~ *deed, including, without limitation:*

(a) A grant, bargain or deed of sale;

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee's deed upon sale, unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.".

Amend sec. 47, page 48, line 27, by deleting "*4.*" and inserting "~~[3.]~~ *4.*".

Amend sec. 48, page 49, by deleting lines 13 and 14 and inserting: "documents. *Such documents must be in a form that is acceptable to the county recorder and the county assessor.*".

Amend the bill as a whole by deleting sec. 49 and adding:

"Sec. 49. (Deleted by amendment.)".

Amend sec. 53, page 51, by deleting lines 37 and 38 and inserting: "*be in a form that is acceptable to the county recorder and the county assessor.*".

Amend sec. 56, page 54, by deleting lines 10 and 11 and inserting: "*be in a form that is acceptable to the county recorder and the county assessor.*".

Amend sec. 57, page 54, by deleting lines 41 and 42 and inserting: "*in a form that is acceptable to the county recorder and the county assessor.*".

Amend sec. 58, page 55, by deleting lines 31 and 32 and inserting: "*in a form that is acceptable to the county recorder and the county assessor.*".

Amend sec. 59, page 56, by deleting lines 12 and 13 and inserting: *"in a form that is acceptable to the county recorder and the county assessor.*".

Amend sec. 60, page 58, by deleting lines 36 and 37 and inserting: "*in a form that is acceptable to the county recorder and the county assessor.*".

Amend sec. 61, page 60, by deleting lines 13 and 14 and inserting: "*and the supporting documents must be in a form that is acceptable to the county recorder and the county assessor.*".

Amend sec. 62, page 61, by deleting lines 8 and 9 and inserting: "*in a form that is acceptable to the county recorder and the county assessor.*".

Amend sec. 65, page 62, by deleting lines 37 and 38 and inserting: "*in a form that is acceptable to the county recorder and the county assessor.*".

Amend sec. 66, page 63, by deleting lines 8 and 9 and inserting: "*documents must be in a form that is acceptable to the county recorder and the county assessor.*".

Amend the title of the bill to read as follows:

"AN ACT relating to property; revising the qualifications for obtaining an exemption from the property and governmental services taxes for a surviving spouse, blind person, veteran or disabled veteran; eliminating the exemption from such taxes for an orphan child; revising the limitation on the computed taxable value of property; revising the circumstances under which a person may have the valuation of his property changed or corrected; providing specifically that a tax lien is superior to all other liens on the taxable property; establishing a procedure for the detachment of territory from cities to avoid the division of legal tax parcels; requiring certain digital documents maintained by a county recorder to be in a form that is acceptable to the county recorder and the county assessor; and providing other matters properly relating thereto.".

Assemblyman Parks moved the adoption of the amendment.

Amendment adopted.

Assemblyman Parks moved that upon return from the printer Assembly Bill No. 533 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Assembly Bill No. 36

Bill read third time.

Roll call on Assembly Bill No. 36:

YEAS—42

NAYS—None.

Assembly Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 65:

YEAS—27.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Grady, Griffin, Gustavson, Hardy, Hettrick, Mabey, Marvel, Sherer, Weber—15.

Assembly Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 81.

Bill read third time.

Roll call on Assembly Bill No. 81:

YEAS—42

NAYS—None.

Assembly Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 87.

Bill read third time.

Roll call on Assembly Bill No. 87:

YEAS—42

NAYS—None.

Assembly Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 114:

YEAS—38.

NAYS—Angle, Carpenter, Christensen, Gustavson—4.

Assembly Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136.

Bill read third time.

Remarks by Assemblyman Collins, Pierce, and Sherer.

Roll call on Assembly Bill No. 136:

YEAS—26.

NAYS—Angle, Arberry, Atkinson, Brown, Buckley, Carpenter, Giunchigliani, Gustavson, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, McCleary, Pierce—16.

Assembly Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 158 be taken from the General File and re-referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 184.
Bill read third time.
Remarks by Assemblywoman Ohrenschall.
Roll call on Assembly Bill No. 184:
YEAS—24.
NAYS—Andonov, Angle, Beers, Brown, Christensen, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—17.
NOT VOTING—Carpenter.
Assembly Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Collins moved that Assembly Bill No. 196 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 205.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 205:
YEAS—42.
NAYS—None.
Assembly Bill No. 205 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 206.
Bill read third time.
Remarks by Assemblyman Horne.
Potential conflict of interest declared by Assemblyman Horne.
Roll call on Assembly Bill No. 206:
YEAS—42.
NAYS—None.
Assembly Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 212.
Bill read third time.
Roll call on Assembly Bill No. 212:
YEAS—40.
NAYS—Angle, Gustavson—2.
Assembly Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Roll call on Assembly Bill No. 280:

YEAS—37.

NAYS—Angle, Carpenter, Gustavson, Mabey, Marvel—5.

Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Assembly Bill No. 398 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Manendo.

Motion carried.

Assemblyman Collins moved that Assembly Bill No. 485 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Collins.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 324 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 485.

Bill read third time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 544.

Amend section 1, page 3, by deleting lines 5 through 7 and inserting:

"*4. The provisions of this section:*

(a) Do not affect the liability in tort of any party; and

(b) Apply only to real property that is acquired on or after the date that is 60 days after the effective date of this act.".

Amend the title of the bill, twelfth line, after "property;" by inserting: "clarifying that such relief from liability does not affect the liability in tort of any party;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 398.

Bill read third time.

The following amendment was proposed by Assemblymen Leslie and Geddes:

Amendment No. 535.

Amend the bill as a whole by deleting sections 29.3 through 29.7 and adding:

"Secs. 29.3-29.7. (Deleted by amendment.)".

Amend sec. 30, page 17, by deleting lines 39 through 41 and inserting:

"Sec. 30. This act becomes effective on July 1, 2003, and expires by limitation on June 30, 2005.".

Amend the bill as a whole by deleting the text of the repealed section.

Amend the title of the bill, first line, by deleting: "revising the procedures" and inserting: "establishing a temporary alternative procedure".

Amend the summary of the bill to read as follows:

"SUMMARY—Establishes temporary alternative procedure pursuant to which certain performance contracts for cost-savings energy measures in buildings occupied by governmental entities are bid. (BDR 27-1115)".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 284.

Bill read third time.

Roll call on Assembly Bill No. 284:

YEAS—42.

NAYS—None.

Assembly Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 298.

Bill read third time.

Roll call on Assembly Bill No. 298:

YEAS—42.

NAYS—None.

Assembly Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 311.

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 311 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion lost on a division of the House.

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

Assembly in recess at 5:54 p.m.

ASSEMBLY IN SESSION

At 6:06 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Hettrick moved that Assembly Bill No. 311 be taken from the General File and re-referred to the Committee on Ways and Means.
Remarks by Assemblyman Hettrick.
Motion carried.

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

Assembly in recess at 6:08 p.m.

ASSEMBLY IN SESSION

At 6:09 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Arberry moved that Assembly Bills Nos. 442 and 457 be taken from the General File and re-referred to the Committee on Ways and Means.
Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 534 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 313.
Bill read third time.
Roll call on Assembly Bill No. 313:
YEAS—42.
NAYS—None.
Assembly Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 337.
Bill read third time.
Roll call on Assembly Bill No. 337:
YEAS—32.
NAYS—Andonov, Angle, Beers, Christensen, Grady, Gustavson, Mabey, Marvel, McCleary, Weber—10.

Assembly Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 352.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 352:

YEAS—27.

NAYS—Andonov, Angle, Beers, Brown, Goicoechea, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—14.

NOT VOTING—Carpenter.

Assembly Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 353.

Bill read third time.

Roll call on Assembly Bill No. 353:

YEAS—31.

NAYS—Andonov, Angle, Brown, Chowning, Christensen, Griffin, Gustavson, Hettrick, Mabey, Marvel, Sherer—11.

Assembly Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 538.

Amend the bill as a whole by deleting sections 1 and 2 and adding:

"Secs. 1 and 2. (Deleted by amendment.)".

Amend the title of the bill, first through third lines, by deleting: "authorizing the Labor Commissioner to prescribe certain increases to the minimum wage under certain circumstances;".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises various provisions relating to determination of livable wages and establishment of certain benefits for certain employees in private employment. (BDR 18-682)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 389.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 389:

YEAS—29.

NAYS—Andonov, Beers, Brown, Gibbons, Goicoechea, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer—13.

Assembly Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 394.

Bill read third time.

Roll call on Assembly Bill No. 394:

YEAS—42.

NAYS—None.

Assembly Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Roll call on Assembly Bill No. 403:

YEAS—42.

NAYS—None.

Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 408.

Bill read third time.

Roll call on Assembly Bill No. 408:

YEAS—42.

NAYS—None.

Assembly Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 419.

Bill read third time.

Roll call on Assembly Bill No. 419:

YEAS—41.

NAYS—Carpenter.

Assembly Bill No. 419 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 420.

Bill read third time.

Roll call on Assembly Bill No. 420:

YEAS—42.

NAYS—None.

Assembly Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 421.

Bill read third time.

Roll call on Assembly Bill No. 421:

YEAS—42.

NAYS—None.

Assembly Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

Bill read third time.

Roll call on Assembly Bill No. 424:

YEAS—42.

NAYS—None.

Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 425.

Bill read third time.

Roll call on Assembly Bill No. 425:

YEAS—42.

NAYS—None.

Assembly Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 438.

Bill read third time.

Remarks by Assemblyman Horne.

Potential conflict of interest declared by Assemblyman Horne.

Roll call on Assembly Bill No. 438:

YEAS—42.

NAYS—None.

Assembly Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 454.

Bill read third time.

Roll call on Assembly Bill No. 454:

YEAS—42.

NAYS—None.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Roll call on Assembly Bill No. 489:

YEAS—42.

NAYS—None.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526.

Bill read third time.

Roll call on Assembly Bill No. 526:

YEAS—29.

NAYS—Andonov, Angle, Beers, Brown, Christensen, Geddes, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Sherer—13.

Assembly Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 528.

Bill read third time.

Roll call on Assembly Bill No. 528:

YEAS—42.

NAYS—None.

Assembly Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Roll call on Assembly Bill No. 354:

YEAS—42.

NAYS—None.

Assembly Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 324.

Bill read third time.

Remarks by Assemblymen Buckley and Griffin.

Roll call on Assembly Bill No. 324:

YEAS—42.

NAYS—None.

Assembly Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 6:38 p.m.

ASSEMBLY IN SESSION

At 6:46 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Turner Graham and Luana Graham.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Addy Marie Fowler, Diane M. Fowler, and William E. Fowler.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Denyette DePierro.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Moor.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Sherer.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, April 22, 2003, at 9:30 a.m.

Motion carried.

Assembly adjourned at 6:47 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 22, 2003

Assembly called to order at 10:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Albert Tilstra.

I pray today for comfort, Lord. I pray for knowledge to help make informed decisions. I pray for guidance to lead us to a better country. I pray today for love to make the world a better place.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 53, Senate Amendment No. 83.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 144, 256, 424, 445, 446, 487.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 53, 125, 133, 136, 201, 237, 273, 306, 313, 331, 342, 356, 359, 400, 408, 432, 434, 436, 444, 451, 452, 471, 486; Senate Joint Resolution No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 22, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 325.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Oceguera moved that the reading of Histories on all bills be dispensed with for this legislative day.

Motion carried.

Senate Joint Resolution No. 1.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 53.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 125.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 133.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 136.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 144.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 201.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 237.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 256.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 273.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 306.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 313.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 331.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 342.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 356.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 359.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 400.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 408.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 424.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 432.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 434.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 436.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 444.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 445.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 446.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 451.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 452.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 471.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 486.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 487.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 429 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 406 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 325 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 510 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Williams.

Motion carried.

Assemblyman Collins moved that Assembly Bill No. 244 be taken from the General File and placed at the top of the General File.

Remarks by Assemblyman Collins.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 366 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 244.

Bill read third time.

The following amendment was proposed by Assemblyman Collins:

Amendment No. 550.

Amend section 1, page 1, line 3, by deleting "*may*" and inserting "*shall*".

Amend section 1, page 1, by deleting lines 5 through 8.

Amend section 1, page 2, line 1, by deleting "*(b)*" and inserting "*(a)*".

Amend section 1, page 2, line 2, by deleting "*(c)*" and inserting "*(b)*".

Amend section 1, page 2, line 4, by deleting "*(d)*" and inserting "*(c)*".

Amend section 1, page 2, line 7, by deleting "*(e)*" and inserting "*(d)*".

Amend section 1, page 2, line 9, by deleting "*(f)*" and inserting "*(e)*".

Amend section 1, page 2, line 11, by deleting "*(g)*" and inserting "*(f)*".

Amend section 1, page 2, by deleting lines 18 through 22 and inserting: "preservation neighborhood is preserved.

[2.] *3.* Unless a rural preservation neighborhood is located within 330 feet of an existing or proposed street or highway that is more than 99 feet wide, the governing body shall, to the extent practicable, adopt any".

Amend section 1, page 2, line 26, by deleting "4," and inserting "[4,] *5,*".

Amend section 1, page 2, line 33, by deleting "3." and inserting "[3.] *4.*".

Amend section 1, page 2, line 36, by deleting "4." and inserting "[4.] *5.*".

Amend section 1, page 2, by deleting lines 39 through 45 on page 2 and lines 1 through 4 on page 3, and inserting:

"*6. The governing body shall review the designation of each rural preservation neighborhood each time the applicable master plan is reviewed or revised or once each 5-year period following the designation of a rural preservation neighborhood pursuant to subsection 1, whichever occurs earlier. If, after such a review, the governing body determines that:*

(a) The rural preservation neighborhood no longer meets the requirements of subsection 1;

(b) The rural preservation neighborhood is less than 160 acres; and

(c) More than 70 percent of the boundaries of the rural preservation neighborhood are within 330 feet of an existing or proposed street or highway that is 120 feet or more in width, the governing body may revoke the designation of".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 429.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 545.

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. Chapter 704 is hereby amended by adding thereto a new section to read as follows:

For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system.".

Amend sec. 6, page 4, by deleting lines 15 and 16, and inserting:

"2. Has a generating capacity of not more than [10] *30* kilowatts;".

Amend the bill as a whole by deleting sec. 7, renumbering sec. 8 as sec. 9 and adding a new section designated sec. 8, following sec. 6, to read as follows:

"Sec. 8. NRS 704.7801 is hereby amended to read as follows:

704.7801 As used in NRS 704.7801 to 704.7828, inclusive, *and section 6 of this act,* unless the context otherwise requires, the words and terms defined in NRS 704.7805 to 704.7818, inclusive, have the meanings ascribed to them in those sections.".

Amend sec. 8, page 5, between lines 9 and 10, by inserting:

"*3. As used in this section, "waterpower" means power derived from standing, running or falling water which is used for any plant, facility, equipment or system to generate electricity if the generating capacity of the plant, facility, equipment or system is not more than 30 megawatts. Except as otherwise provided in this subsection, the term includes, without limitation, power derived from water that has been pumped from a lower to a higher elevation if the generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts. The term does not include power:*

(a) Derived from water stored in a reservoir by a dam or similar device, unless:

(1) The water is used exclusively for irrigation;

(2) The dam or similar device was in existence on January 1, 2003; and

(3) The generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts;

(b) That requires a new or increased appropriation or diversion of water for its creation; or

(c) That requires the use of any fossil fuel for its creation, unless:

(1) The primary purpose of the use of the fossil fuel is not the creation of the power; and

(2) The generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts.".

Amend the bill as a whole by deleting sec. 9, renumbering sections 10 and 11 as sections 12 and 13 and adding new sections designated sections 10 and 11, following sec. 8, to read as follows:

"Sec. 10. NRS 704.7815 is hereby amended to read as follows:

704.7815 "Renewable energy system" means:

1. A facility or energy system that:

(a) Uses renewable energy to generate electricity; and

(b) Transmits or distributes the electricity that it generates from renewable energy via:

(1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service; or

(2) A power line which is shared with not more than one facility or energy system generating electricity from nonrenewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service.

2. A solar ~~[thermal]~~ energy system that reduces the consumption of ~~[electricity.]~~ *electricity, natural gas or propane.*

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.

Sec. 11. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard for renewable energy. The portfolio standard must require each provider to generate or acquire electricity from renewable energy systems in an amount that is:

(a) For calendar years 2003 and 2004, not less than 5 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(b) For calendar years 2005 and 2006, not less than 7 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(c) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(d) For calendar years 2009 and 2010, not less than 11 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(e) For calendar years 2011 and 2012, not less than 13 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

(f) For calendar year 2013 and for each calendar year thereafter, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this state during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate or acquire from renewable energy systems during each calendar year, not less than 5 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) If the provider acquires electricity from a renewable energy system pursuant to a renewable energy contract with another party:

(1) The term of the renewable energy contract must be not less than 10 years, unless the other party agrees to a renewable energy contract with a shorter term; and

(2) The terms and conditions of the renewable energy contract must be just and reasonable, as determined by the Commission. If the provider is a public utility and the Commission approves the terms and conditions of the renewable energy contract between the provider and the other party, the renewable energy contract and its terms and conditions shall be deemed to be a prudent investment and the provider may recover all just and reasonable costs associated with the renewable energy contract.

3. If, for the benefit of one or more of its retail customers in this state, the provider has subsidized, in whole or in part, the acquisition or installation of a solar ~~[thermal]~~ energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar ~~[thermal]~~ energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission may adopt regulations that establish a system of renewable energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of renewable energy credits, the provider shall take actions to acquire electricity pursuant to one or more renewable energy contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity made available to the provider pursuant to renewable energy contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

7. The Commission shall adopt regulations for the determination of just and reasonable terms and conditions for the renewable energy contracts that a provider of electric service must enter into to comply with its portfolio standard.

8. As used in this section:

(a) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(b) "Terms and conditions" includes, without limitation, the price that a provider of electric service must pay to acquire electricity pursuant to a renewable energy contract.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 529 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 529.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 548.

Amend sec. 2, pages 1 and 2, by deleting lines 3 through 8 on page 1 and lines 1 through 19 on page 2, and inserting:

"Sec. 2. *1. Each report of campaign contributions and expenses or expenditures that is filed pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 or 294A.362, and each statement of financial disclosure filed pursuant to NRS 281.561 must be submitted on the following form:*

CAMPAIGN CONTRIBUTIONS AND EXPENSES **State of Nevada**

Name (print) Office (if applicable) District (if applicable)

Mailing Address (include city and zip code) Telephone No.

E-Mail Address

Select Appropriate Box(es) ☐ CANDIDATE ☐ PAC ☐ BAG ☐ POL PRTY ☐ IND EXP ☐ AMENDED

#

Report Period

BEGINNING CASH ON HAND

1. **Cash on Hand at Beginning of This Reporting Period** _____
2. **Cash on Hand at Beginning of This Reporting Year** _____

CONTRIBUTIONS SUMMARY	This Period	This Period Plus Previous Periods This Year
3. Total Monetary Contributions Received in Excess of $100		
4. Total Monetary Contributions Received of $100 or Less		
5. Actual Number of Monetary Contributions of $100 or Less	This Period:	This Period Plus Previous Periods This Year:
6. Interest and Income Earned on Contributions		
7. **Total Amount of Monetary Contributions Received** (Add Lines 3, 4 and 6)		
8. Total Value of In Kind Contributions Received		

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100		
10. Total Monetary Expenses Paid of $100 or Less		
11. Expense for Filing Fee Paid (Do not Include in Line 9 or 10 Above)		
12. **Total Amount of All Monetary Expenses Paid** (Add Lines 9, 10 and 11)		
13. Total Value of In Kind Expenses		

ENDING CASH ON HAND

14. **Cash on Hand at Close of This Reporting Period Based on Activity During This Reporting Period** (Add Lines 1 and 7 for This Period and Subtract Line 11 for This Period) _____
15. **Cash on Hand at Close of This Reporting Period Based on Activity During This Reporting Year** (Add Lines 2 and 7 for This Reporting Year and Subtract Line 11 for This Reporting Year) _____

AFFIRMATION

I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

Signature Date

CAMPAIGN CONTRIBUTIONS	Report Period #

Name (print) Office (if applicable) District (if applicable)

Contributions in Excess of $100 or, When Added Together from One Contributor Exceeds $100
Transfer Total Amount of All Campaign Contributions to Line 3 of Contributions Summary

CONTRIBUTOR'S NAME AND ADDRESS	DATE OF EACH CONTRIBUTION	AMOUNT OF EACH CONTRIBUTION	CHECK HERE IF LOAN

Copy or Duplicate If You Need Additional Space

CAMPAIGN EXPENSES	Report Period #

Name (print) Office (if applicable) District (if applicable)

Expense Categories

CATEGORIES	CODE
Office expenses	**A**
Expenses related to volunteers	**B**
Expenses related to travel	**C**
Expenses related to advertising	**D**
Expenses related to paid staff	**E**
Expenses related to consultants	**F**
Expenses related to polling	**G**
Expenses related to special events	**H**
Goods and services provided in kind for which money would otherwise have been paid	**I**
Other miscellaneous expenses	**J**

CAMPAIGN EXPENSES	Report Period #

Name (print) Office (if applicable) District (if applicable)

Expenses in Excess of $100
Transfer Total Amount of All Campaign Expenses to Line 9 of Expenses Summary

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE(S)	CATEGORY (See Previous Page) NRS 294A.365	DATE OF EACH EXPENSE	AMOUNT OF EACH EXPENSE

Copy or Duplicate If You Need Additional Space

IN KIND CAMPAIGN CONTRIBUTIONS	Report Period #

Name (print) Office (if applicable) District (if applicable)

IN KIND
Contributions in Excess of $100 or, When Added Together from One Contributor Exceeds $100
Transfer Total Value of All In-Kind Campaign Contributions to Line 8 of Contributions Summary

CONTRIBUTOR'S NAME AND ADDRESS	DATE OF EACH IN KIND CONTRIBUTION	DESCRIPTION OF EACH IN KIND CONTRIBUTION	VALUE OR COST OF EACH IN KIND CONTRIBUTION	CHECK HERE IF LOAN

Copy or Duplicate If You Need Additional Space

IN KIND CAMPAIGN EXPENSES	Report Period #

Name (print) Office (if applicable) District (if applicable)

IN KIND

Expenses in Excess of $100

Transfer Total Value of All In-Kind Campaign Expenses to Line 13 of Expenses Summary

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN KIND GOOD(S) OR SERVICE(S)	DESCRIPTION OF EACH IN KIND EXPENSE	DATE OF EACH IN KIND EXPENSE	VALUE OR COST OF EACH IN KIND EXPENSE

Copy or Duplicate If You Need Additional Space

FINANCIAL DISCLOSURE STATEMENT

Name _____ **Telephone** _____

Address _____ **City, State, Zip** _____

Length of Residence in Nevada _____ **District where registered to vote** _____ [NRS 281.571, Subsection 1(a)]

List all public offices for which this financial disclosure statement is required [NRS 281.571, Subsection 1(g)]:

Public Office	Annual Compensation	Term or Date Appointed	Public Officer (1/15) NRS 281.561(1)(b)	Candidate NRS 281.561(1)(a)
			☐	☐
			☐	☐

List all general sources of income for you and members of your household over 18 [NRS 281.571, Subsection 1(b)]:

	Self	Household Member
	☐	☐
	☐	☐
	☐	☐

List each creditor to whom you or a member of your household owes $5,000 or more [except (1) debt secured by mortgage or deed of trust on real property which is not required to be listed below, and (2) debt for which a security interest in a motor vehicle for personal use was retained by seller] [NRS 281.571, Subsection 1(d)]:

	☐	☐
	☐	☐
	☐	☐

List each business entity (i.e., organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust, joint venture, syndicate, corporation or association) with which you or a member of your household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1% or more of the total outstanding stock or securities issued by the business entity [NRS 281.571, Subsection 1(f)]:

	☐	☐
	☐	☐
	☐	☐

List specific location and particular use of all real estate (other than personal residence): (1) in which you have or a member of your household has a legal or beneficial interest; (2) the fair market value of which is $2,500 or more; and (3) located in this state or an adjacent state [NRS 281.571, Subsection 1(c)]:

Specific Location	*Particular Use*

List the identify of donor and value of each gift of all gifts received in excess of an aggregate value of $200 from a donor during the preceding taxable year [except (1) a gift received from a person who is related to you within the third degree of consanguinity or affinity; and (2) ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in your legislative, administrative, judicial or political action] [NRS 281.571, Subsection 1(e)]:

Donor	*Value of Gift*

AFFIRM THAT ALL INFORMATION HEREIN IS ACCURATE AND COMPLETE.

Date: _____ **Signature:** _____

Copy or Duplicate If You Need Additional Space

2. A candidate, person, committee, political party or group that requires additional space on a page of the form set forth in subsection 1 may copy or duplicate the page. A candidate, person, committee, political party or group shall number each page of the form in the lower right hand corner of the page.

3. The filing officer:

(a) May not request information concerning campaign contributions and expenses or expenditures from a candidate, person, committee, political party or group that is required to file a report pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 or 294A.362, or a statement of financial disclosure pursuant to NRS 281.561, other than:

(1) Information requested on the form set forth in subsection 1; or

(2) Pursuant to any provision of law authorizing the filing officer to request the information.

(b) May include acknowledgments and instructions to accompany the form set forth pursuant to subsection 1. ".

Amend sec. 3, pages 2 and 3, by deleting lines 20 through 44 on page 2 and lines 1 through 9 on page 3, and inserting:

"Sec. 3. *Upon request, the filing officer shall provide a copy of the form set forth in section 2 of this act to each candidate, person, committee, political party and group that is required to file a report of its campaign contributions and expenses or expenditures pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 or 294A.362, or a financial disclosure statement pursuant to NRS 281.561.*".

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. NRS 294A.004 is hereby amended to read as follows:

294A.004 "Campaign expenses" and "expenditures" mean:

1. Those expenditures ~~[contracted for or]~~ made for advertising on television, radio, billboards, posters and in newspapers; and

2. All other expenditures ~~[contracted for or]~~ made,

to advocate expressly the election or defeat of a clearly identified candidate or group of candidates or the passage or defeat of a clearly identified question or group of questions on the ballot, including any payments made to a candidate or any person who is related to the candidate within the second degree of consanguinity or affinity.".

Amend sec. 4, page 3, by deleting lines 13 and 14 and inserting: "*January 15 of each year, for the period from January 1 of the*".

Amend sec. 4, page 3, by deleting line 16 and inserting: "*each campaign contribution in excess of $100 he received during the period and contributions received during the period from a contributor which cumulatively exceed $100.*".

Amend sec. 4, page 3, lines 33 and 34 by deleting: "~~[and~~

~~(c) The~~" and inserting: "and

(c) ~~[The~~".

Amend sec. 4, page 3, line 37, by deleting "~~list]~~" and inserting: "~~list each of the campaign contributions that]~~".

Amend sec. 4, page 3, line 38, by deleting "*(c)*".

Amend sec. 4, pages 3 and 4, by deleting lines 40 through 45 on page 3 and lines 1 and 2 on page 4, and inserting: "*June 30 of that year, report each campaign contribution in excess of $100* he receives during the period *and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed* on ~~[forms designed and]~~ *the form set forth in section 2 of this act* provided by the ~~[Secretary of State pursuant to this section and NRS 294A.362.]~~ *filing officer.* Each form must be signed by the candidate under penalty of".

Amend sec. 4, page 4, line 11, after "*election;*" by inserting "*and*".

Amend sec. 4, page 4, by deleting lines 14 through 21 and inserting: "*days before the general election, report each campaign contribution in excess of $100 he received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form set forth in section 2 of this act provided by the filing officer. Each form must*".

Amend sec. 4, page 4, by deleting lines 31 through 34 and inserting: "~~[list each of the campaign contributions that he receives]~~ *report each campaign contribution in excess of $100 he received* during the period *and contributions received during the reporting period from a contributor which cumulatively exceed $100. The report must be completed* on ~~[forms designed and]~~ *the form set forth in section 2 of this act* provided by the ~~[Secretary of State pursuant to this section and NRS 294A.362.]~~ *filing officer.* Each form must be signed by the candidate under".

Amend sec. 4, page 4, by deleting lines 39 through 41 and inserting: "that he receives on ~~[forms designed and]~~ *the form set forth in section 2 of this act* provided by the ~~[Secretary of State pursuant to this section and NRS 294A.362,]~~ *filing officer,* and signed by the candidate under penalty of perjury, 30".

Amend sec. 4, page 5, by deleting lines 6 through 24 and inserting: "the ~~[officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy.]~~ *appropriate filing officer and, if the appropriate filing officer is not the Secretary of State, with the appropriate filing officer and the Secretary of State.* A candidate may mail *or transmit* the report to ~~[that]~~ *the filing* officer *, and the Secretary of State if required,* by *regular mail,* certified mail ~~[. If certified mail is used, the date of mailing]~~ *, facsimile machine or electronic means. A report* shall be deemed ~~[the date of filing.~~

~~5. Every county clerk who receives from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to subsection 4 shall file a copy~~

~~of each report with the Secretary of State within 10 working days after he receives the report.~~

~~6.~~] *to be filed with the filing officer or the Secretary of State:*

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer or the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. A report that is mailed or transmitted pursuant to subsection 6 in a timely manner to the wrong filing officer shall be deemed to be timely filed.

8. The name and address of the contributor and the date on".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 5 and 6.

Amend sec. 6, page 7, by deleting lines 14 and 15 and inserting: "*through December 31 of the previous year, report each campaign contribution in excess of $100 he or it received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The*".

Amend sec. 6, page 7, lines 40 and 41 by deleting: "~~[and~~

~~(c) The~~" and inserting: "and

(c) ~~[The~~".

Amend sec. 6, page 7, line 44, by deleting "~~list~~]" and inserting: "~~list each of the contributions~~]".

Amend sec. 6, page 8, line 1, by deleting "*(c)*".

Amend sec. 6, page 8, by deleting lines 4 through 11 and inserting: "*year, report each campaign contribution in excess of $100* received during the period *and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed* on the form ~~[designed and]~~ *set forth in section 2 of this act* provided by the ~~[Secretary of State and shall sign the report]~~ *filing officer. The form must be*".

Amend sec. 6, page 8, line 40, after "*election;*" by inserting "*and*".

Amend sec. 6, pages 8 and 9, by deleting line 44 on page 8 and lines 1 through 8 on page 9 and inserting: "*the general election or general city election, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form set forth in section 2 of this act provided by the filing officer. The form must be signed by the person or a*".

Amend sec. 6, page 9, by deleting lines 22 through 24 and inserting: "*report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form set forth in section 2 of this act provided by the filing officer. The form must be signed by the person or a*".

Amend sec. 6, page 9, by deleting lines 31 through 33 and inserting: "*offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period*

from a contributor which cumulatively exceed $100. The report must be completed on the form set forth in section 2 of this act provided by the filing officer".

Amend sec. 6, pages 9 and 10 by deleting lines 44 and 45 on page 9 and lines 1 through 15 on page 10 and inserting:

"*7. The* reports *of contributions required pursuant to this section* must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county and the Secretary of State;

(b) If the candidate is elected from one city, the city clerk of that city and the Secretary of State; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. A person or entity may file the report with the appropriate *filing* officer *, and the Secretary of State if required,* by *regular mail,* certified mail ~~[. If certified mail is used, the date of mailing]~~ *, facsimile machine or electronic means. A report* shall be deemed ~~[the date of filing.~~

~~4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.]~~ *to be filed with the filing officer or the Secretary of State:*

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer or the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. A report that is mailed or transmitted pursuant to subsection 7 in a timely manner to the wrong filing officer shall be deemed to be timely filed.

10. Every person, committee or political party described in".

Amend sec. 7, page 10, by deleting lines 27 through 29 and inserting: "*previous year, report each campaign contribution in excess of $100 received during that period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form set forth in section 2 of this act provided by the filing officer. The form must be signed by*".

Amend sec. 7, page 11, lines 16 and 17, by deleting: "~~[and~~

~~(c) The~~" and inserting: "and

(c) ~~[The~~".

Amend sec. 7, page 11, line 20, by deleting "~~list]~~" and inserting: "~~list each of the contributions]~~".

Amend sec. 7, page 11, line 21, by deleting "*(c)*".

Amend sec. 7, page 11, by deleting lines 23 through 30 and inserting: "*general city election through June 30 of that year, report each campaign contribution in excess of $100* received during the period *and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed* on the form ~~[designed and]~~ *set forth in*

section 2 of this act provided by the ~~[Secretary of State]~~ *filing officer* and signed by the".

Amend sec. 7, page 12, line 20, after "*election;*" by inserting "*and*".

Amend sec. 7, page 12, by deleting lines 24 through 31 and inserting: "*or general city election, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form set forth in section 2 of this act provided by the filing officer. The form must be signed by the person or a*".

Amend sec. 7, page 12, by deleting lines 42 through 44 and inserting: "*report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form set forth in section 2 of this act provided by the filing officer. The form must be signed by the person or a*".

Amend sec. 7, page 13, by deleting lines 5 and 6 and inserting: "*contributions received on the form set forth in section 2 of this act provided by the filing officer and signed by*".

Amend sec. 7, page 13, by deleting lines 17 through 33 and inserting:

"*7. The* reports *required pursuant to this section* must be filed with *:*

(a) If the question is submitted to the voters of one county, the county clerk of that county and the Secretary of State;

(b) If the question is submitted to the voters of one city, the city clerk of that city and the Secretary of State; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If the person or group of persons is advocating passage or defeat of a group of questions, the reports ~~[must be made to the officer appropriate for each question and]~~ must be itemized by question.

~~[4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.]~~ *A person may mail or transmit his report to the appropriate filing officer, and the Secretary of State if required, by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer or the Secretary of State:*

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer or the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.".

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 7, to read as follows:

"Sec. 7. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a campaign contribution for his personal use.

2. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall:

(a) Return the unspent money to contributors;

(b) Use the money in his next election or for the payment of other expenses related to public office or his campaign ~~[.]~~ *, regardless of whether he is a candidate for a different office in his next election;*

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party;

(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Dispose of the money in any combination of the methods provided in paragraphs (a) to (d), inclusive.

3. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is not elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall, not later than the 15th day of the second month after his defeat:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party;

(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Dispose of the money in any combination of the methods provided in paragraphs (a), (b) and (c).

4. Every candidate for a state, district, county, city or township office who is defeated at a primary or primary city election and received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after his defeat, return any money in excess of $5,000 to the contributor.

5. Every public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection and is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

shall, not later than the 15th day of the second month after the expiration of his term of office, dispose of those contributions in the manner provided in subsection 3.

6. In addition to the methods for disposing the unspent money set forth in subsections 2, 3 and 4, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

7. *Any contributions received before a candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 3.*

8. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~[8.]~~ *9.* As used in this section, "contributions" include any interest and other income earned thereon.".

Amend sec. 8, page 13, by deleting lines 37 and 38 and inserting: "*January 15 of each year, for the period from January 1 of the*".

Amend sec. 8, page 13, by deleting lines 42 and 43 and inserting: "*NRS 294A.160 during the period on the form set forth in section 2 of this act provided by the filing officer.*".

Amend sec. 8, page 14, lines 20 and 21, by deleting: "~~[and~~

~~(c) The~~" and inserting: "and

(c) ~~[The~~".

Amend sec. 8, page 14, line 25, by deleting "*(c)*".

Amend sec. 8, page 14, by deleting lines 27 through 34 and inserting: "*June 30 of that year, report* each of the campaign expenses in excess of $100 that he incurs during the period on ~~[forms designed and]~~ *the form set forth in section 2 of this act* provided by the ~~[Secretary of State pursuant to this section and NRS 294A.362.]~~ *filing officer.* Each form must be signed by the candidate".

Amend sec. 8, page 14, line 43, after "*election;*" by inserting "*and*".

Amend sec. 8, page 15, by deleting lines 3 through 10 and inserting: "*days before the general election, report each of the campaign expenses in excess of $100 that he incurs during the period on the form set forth in section 2 of this act provided by the filing officer. The form must*".

Amend sec. 8, page 15, by deleting lines 22 through 24 and inserting: "incurs during the period on ~~[forms designed and]~~ *the form set forth in section 2 of this act* provided by the ~~[Secretary of State pursuant to this~~

~~section and NRS 294A.362.]~~ *filing officer.* Each form must be signed by the candidate".

Amend sec. 8, page 15, by deleting lines 29 through 31 and inserting: "expenses in excess of $100 that he incurs on ~~[forms designed and]~~ *the form set forth in section 2 of this act* provided by the ~~[Secretary of State pursuant to this section and NRS 294A.362]~~ *filing officer* and signed by the".

Amend sec. 8, pages 15 and 16, by deleting lines 43 and 44 on page 15 and lines 1 through 19 on page 16 and inserting: "~~or acceptance of candidacy.]~~ *appropriate filing officer and, if the appropriate filing officer is not the Secretary of State, with the appropriate filing officer and the Secretary of State.* A candidate may mail *or transmit* the report to ~~[that]~~ *the filing* officer *, and the Secretary of State if required,* by *regular mail,* certified mail ~~[. If certified mail is used, the date of mailing]~~ *, facsimile machine or electronic means. A report* shall be deemed ~~[the date of filing.~~

~~5. County clerks who receive from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to subsection 4 shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.~~

~~6. The forms designed and provided by the Secretary of State for the reporting of campaign expenses pursuant to this section must be designed to be used by a candidate to record in the form of a list each campaign expense as he incurs it.]~~ *to be filed with the filing officer or the Secretary of State:*

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer or the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. A report that is mailed or transmitted pursuant to subsection 6 in a timely manner to the wrong filing officer shall be deemed to be timely filed.".

Amend sec. 9, page 16, by deleting lines 36 and 37 and inserting: "*in excess of $100 on the form set forth in section 2 of this act provided by the filing officer. The form must*".

Amend sec. 9, page 17, lines 17 and 18, by deleting: "~~[and~~

~~(c) The~~" and inserting: "and

(c) ~~[The~~".

Amend sec. 9, page 17, line 22, by deleting "*(c)*".

Amend sec. 9, page 17, by deleting lines 25 through 34 and inserting: "*that year, report* each expenditure made during the period on behalf of ~~[a candidate or]~~ *the candidate, the* group of candidates *or a candidate in the group of candidates* in excess of $100 on ~~[forms designed and]~~ *the form set forth in section 2 of this act* provided by the ~~[Secretary of State and]~~ *filing officer. The form must be* signed by the".

Amend sec. 9, page 18, line 7, after "*election;*" by inserting "*and*".

Amend sec. 9, page 18, by deleting lines 11 through 16 and inserting: "*the general election or general city election,*".

Amend sec. 9, page 18, by deleting lines 19 and 20 and inserting: "*candidates in excess of $100 on the form set forth in section 2 of this act provided by the filing officer. The form*".

Amend sec. 9, page 18, by deleting lines 36 and 37 and inserting: "*candidates in excess of $100 on the form set forth in section 2 of this act provided by the filing officer. The form*".

Amend sec. 9, page 19, by deleting lines 1 and 2 and inserting: "*excess of $100 on the form set forth in section 2 of this act provided by the filing officer and signed by the person*".

Amend sec. 9, page 19, by deleting lines 21 through 43 and inserting:

"*7. The* reports must be filed with *:*

(a) If the candidate is elected from one county, the county clerk of that county and the Secretary of State;

(b) If the candidate is elected from one city, the city clerk of that city and the Secretary of State; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be ~~[made to the officer appropriate for each candidate and]~~ itemized by the candidate. A person may ~~[make]~~ *mail or transmit* his report to the appropriate *filing* officer *, and the Secretary of State if required,* by *regular mail,* certified mail ~~[. If certified mail is used, the date of mailing]~~ *, facsimile machine or electronic means. A report* shall be deemed ~~[the date of filing.~~

~~4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.~~

~~5. The forms designed and provided by the Secretary of State for the reporting of expenditures pursuant to this section must be designed to be used by the person or representative of the group to record in the form of a list each expenditure as it is made.]~~ *to be filed with the filing officer or the Secretary of State:*

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer or the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. A report that is mailed or transmitted pursuant to subsection 7 in a timely manner to the wrong filing officer shall be deemed to be timely filed.

10. Every person, committee or political party described in".

Amend sec. 10, page 20, by deleting lines 13 and 14 and inserting: "*on the form set forth in section 2 of this act provided by the filing officer. The form must be signed by the*".

Amend sec. 10, page 21, lines 2 and 3, by deleting: "~~[and~~

~~(c) The~~" and inserting: "and

(c) ~~[The~~".

Amend sec. 10, page 21, line 6, by deleting "*(c)*".

Amend sec. 10, page 21, by deleting lines 9 through 13 and inserting: "*that July 15,*".

Amend sec. 10, page 21, by deleting lines 17 and 18 and inserting: "on the form ~~[designed and]~~ *set forth in section 2 of this act* provided by the ~~[Secretary of State]~~ *filing officer* and signed by the".

Amend sec. 10, page 21, line 42, after "*election;*" by inserting "*and*".

Amend sec. 10, page 22, by deleting lines 2 through 6 and inserting: "*or general city election,*".

Amend sec. 10, page 22, by deleting lines 10 and 11 and inserting: "*set forth in section 2 of this act provided by the filing officer. The form must be signed by the person or a*".

Amend sec. 10, page 22, by deleting lines 25 and 26 and inserting: "*set forth in section 2 of this act provided by the filing officer. The form must be signed by the person or a*".

Amend sec. 10, page 22, by deleting lines 34 and 35 and inserting: "*the ballot in excess of $100 on the form set forth in section 2 of this act provided by the filing officer and signed*".

Amend sec. 10, page 23, by deleting lines 9 through 14 and inserting:

"*7. The* reports *required pursuant to this section* must be filed with *:*

(a) If the question is submitted to the voters of one county, the county clerk of that county and the Secretary of State;

(b) If the question is submitted to the voters of one city, the city clerk of that city and the Secretary of State; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports ~~[must be made to the officer appropriate for each question and]~~ must be itemized by question. A person may ~~[make]~~ *mail or transmit* his report to the appropriate filing officer *or the Secretary of State if required,* by *regular mail,* certified mail ~~[. If certified mail is used, the date of mailing]~~ *, facsimile machine or electronic means. A report* shall be deemed".

Amend sec. 10, page 23, line 24, after "*with*" by inserting: "*the filing officer or*".

Amend sec. 10, page 23, by deleting lines 27 through 33 and inserting:

"*(b) On the date that it was received by the filing officer or the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.*".

Amend the bill as a whole by deleting sec. 11 and renumbering sections 12 through 14 as sections 11 through 13.

Amend sec. 12, page 24, by deleting lines 24 and 25 and inserting: "excess of $100 on ~~[a]~~ *the* form *set forth in section 2 of this act* provided by the ~~[Secretary of State and]~~ *filing officer. The form*".

Amend sec. 12, page 24, by deleting lines 43 and 44 and inserting: "of State. The committee may mail *or transmit* the report by *regular mail,*

certified mail ~~[. If certified mail is used, the date of mailing]~~ *, facsimile machine or electronic means. A report* shall be deemed".

Amend sec. 12, page 25, by deleting line 4 and inserting: "*the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.*".

Amend sec. 13, page 25, by deleting lines 25 and 26 and inserting: "$100 on ~~[a]~~ *the* form *set forth in section 2 of this act* provided by the ~~[Secretary of State and]~~ *filing officer. The form must be*".

Amend sec. 13, page 26, by deleting lines 2 and 3 and inserting: "of State. The committee may mail *or transmit* the report *to the Secretary of State* by *regular mail,* certified mail ~~[. If certified mail is used, the date of mailing]~~ *, facsimile machine or electronic means.*".

Amend sec. 13, page 26, by deleting line 13 and inserting: "*the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.*".

Amend sec. 14, page 26, by deleting lines 19 and 20 and inserting: "offices not later *than January 15 of each year, for the period from*".

Amend sec. 14, page 26, line 44, by deleting "~~[and~~" and inserting "and".

Amend sec. 14, page 27, line 1, by deleting "~~[(c) The]~~" and inserting "(c) ~~[The~~".

Amend sec. 14, page 27, line 5, by deleting "*(c)*".

Amend sec. 14, page 27, by deleting lines 7 through 10 and inserting: "*through the June 30 of that year.*"

Amend sec. 14, page 27, line 20, after "*election;*" by inserting "*and*".

Amend sec. 14, page 27, by deleting lines 23 through 27 and inserting: "*through 12 days before the general city election.*".

Amend the bill as a whole by adding a new section designated sec. 14, following sec. 14, to read as follows:

"Sec. 14. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to ~~[filing the forms designed and provided by the Secretary of State]~~ *reporting information* pursuant to NRS 294A.120, ~~[294A.125 and 294A.200, or the forms designed and provided by a city clerk pursuant to NRS 294A.360, as appropriate,]~~ *294A.200 and 294A.360,* each candidate who is required to file a report of campaign contributions and expenses pursuant to NRS 294A.120, ~~[294A.125,]~~ 294A.200 or 294A.360 shall ~~[file a separate form relating only to]~~ *report on the form set forth in section 2 of this act provided by the filing officer* goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form each such campaign contribution he receives and each expense in excess of $100 he incurs during the reporting period.

2. ~~[The Secretary of State shall design the form described in subsection 1 for each candidate who is required to use the form to file a report pursuant to NRS 294A.120, 294A.125 or 294A.200. The city clerk shall design the form described in subsection 1 for each candidate who is required to use the form to file a report pursuant to NRS 294A.360. The city clerk shall submit the~~

~~form to the Secretary of State for approval. The city clerk shall not use such a form until it is approved. The Secretary of State and each city clerk shall design the format of the form described in subsection 1 so that a candidate who uses the form may record in the form a list of each such campaign contribution as the contribution is received and expense in excess of $100 as it is incurred.~~

~~3.~~] The Secretary of State and each city clerk shall not require a candidate to list the campaign contributions and expenses described in this section on any form other than [~~a form designed and provided pursuant to this section.~~

~~4. Upon request, the Secretary of State shall provide a copy of the form described in subsection 1 to each candidate who is required to file a report of his campaign contributions and expenses pursuant to NRS 294A.120, 294A.125 or 294A.200. Upon request, each city clerk shall provide a copy of the form described in subsection 1 to each candidate who is required to file a report of his campaign contributions and expenses pursuant to NRS 294A.360.~~] *the form set forth in section 2 of this act.*".

Amend sec. 15, page 28, line 20, by deleting "294A.125 and" and inserting "[~~294A.125 and~~]".

Amend sec. 15, page 28, by deleting lines 30 through 38 and inserting:

"(d) Expenses related to advertising;".

Amend the bill as a whole by renumbering sec. 16 as sec. 17 and adding a new section designated sec. 16, following sec. 15, to read as follows:

"Sec. 16. NRS 294A.380 is hereby amended to read as follows:

294A.380 1. The Secretary of State may adopt and promulgate regulations [~~, prescribe forms in accordance with the provisions of this chapter~~] and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

2. For the purposes of implementing and administering the provisions of this chapter regulating committees for political action:

(a) The Secretary of State shall, in determining whether an entity or group is a committee for political action, consider a group's or entity's division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements of this chapter.

(b) The Secretary of State shall, in determining whether an entity or group is a committee for political action, disregard any action taken by a group or entity that would otherwise constitute a committee for political action if it appears such action is taken for the purpose of avoiding the reporting requirements of this chapter.".

Amend sec. 16, page 29, by deleting line 28 and inserting: "294A.420 must be [~~printed on the forms.~~] *developed by the Secretary of State and provided upon request.* The candidate or entity".

Amend the bill as a whole by deleting sec. 17.

Amend sec. 18, page 30, lines 16 and 17 by deleting "294A.170, [~~294A.180,~~]" and inserting "[~~294A.170, 294A.180,~~]".

Amend the bill as a whole by deleting sections 19 and 20 and renumbering sections 21 and 22 as sections 19 and 20.

Amend sec. 21, page 31, line 12, by deleting "*1.*" and inserting: "Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1.".

Amend sec. 21, page 31, line 18, after "*elected*" by inserting "*or appointed*".

Amend sec. 21, page 32, by deleting lines 18 through 24 and inserting:

"*6. A statement of financial disclosure shall be deemed to be*".

Amend sec. 21, page 32, by deleting line 29 and inserting: "*statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.*".

Amend sec. 22, page 32, lines 31 and 32 by deleting: "*sections 20 and 21*" and inserting: "*section 19*".

Amend the bill as a whole by adding new sections designated sections 21 and 22, following sec. 22, to read as follows:

"Sec. 21. NRS 281.501 is hereby amended to read as follows:

281.501 1. Except as otherwise provided in subsection 2 or 3, a public officer may vote upon a matter if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.

2. In addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His acceptance of a gift or loan;

(b) His pecuniary interest; or

(c) His commitment in a private capacity to the interests of others.

It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 3 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.

3. A public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon any matter:

(a) Regarding which he has accepted a gift or loan;

(b) Which would reasonably be affected by his commitment in a private capacity to the interest of others; or

(c) In which he has a pecuniary interest, without disclosing sufficient information concerning the gift, loan, commitment or interest to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the person to whom he has a commitment, or upon his interest. Except as otherwise provided in subsection 6, such a disclosure must be made at the time the matter is considered. If the officer or employee is a member of a body which makes decisions, he shall make the disclosure in public to the Chairman and other members of the body. If the officer or employee is not a member of such a body and holds an appointive office, he shall make the disclosure to the supervisory head of his organization or, if he holds an elective office, to the general public in the area from which he is elected. This subsection does not require a public officer to disclose any campaign contributions that the public officer reported pursuant to NRS 294A.120 ~~[or 294A.125]~~ in a timely manner.

4. If a public officer declares to the body or committee in which the vote is to be taken that he will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

5. If a public officer is voting on a matter which affects public employees, he shall make a full public disclosure of any personal pecuniary interest which he may have in the matter.

6. After a member of the Legislature makes a disclosure pursuant to subsection 3, he may file with the Director of the Legislative Counsel Bureau a written statement of his disclosure. The written statement must designate the matter to which the disclosure applies. After a Legislator files a written statement pursuant to this subsection, he is not required to disclose orally his interest when the matter is further considered by the Legislature or any committee thereof. A written statement of disclosure is a public record and must be made available for inspection by the public during the regular office hours of the Legislative Counsel Bureau.

7. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of the legislative branch from requesting or introducing a legislative measure; or

(b) Require a member of the legislative branch to take any particular action before or while requesting or introducing a legislative measure.

8. As used in this section, "commitment in a private capacity to the interests of others" means a commitment to a person:

(a) Who is a member of his household;

(b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;

(c) Who employs him or a member of his household;

(d) With whom he has a substantial and continuing business relationship; or

(e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.

Sec. 22. NRS 281.552 is hereby amended to read as follows:

281.552 1. Every public officer shall acknowledge that he has received, read and understands the statutory ethical standards. The acknowledgment must be on a form prescribed by the Commission and must accompany the first statement of financial disclosure that the public officer is required to file with the Commission pursuant *to section 19 of this act* or the Secretary of State pursuant to NRS 281.561.

2. The Commission *and the Secretary of State* shall retain an acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

3. Willful refusal to execute and file the acknowledgment required by this section constitutes nonfeasance in office and is a ground for removal pursuant to NRS 283.440.".

Amend sec. 23, page 32, line 36, after "office" by inserting: "*will be entitled to receive compensation for serving in the office that he is seeking*".

Amend sec. 23, page 33, by deleting lines 34 through 41 and inserting:

"*3. A statement of financial disclosure shall be deemed to be*".

Amend sec. 23, page 34, by deleting lines 2 through 7 and inserting: "*the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.*

4. The statement of financial disclosure filed pursuant to this section must be filed on the form set forth in section 2 of this act provided by the filing officer.

5. A statement of financial disclosure that is mailed or transmitted pursuant to subsection 3 in a timely manner to the wrong filing officer shall be deemed to be timely filed.".

Amend the bill as a whole by deleting sec. 24, renumbering sections 25 through 28 as sections 26 through 29 and adding new sections designated sections 24 and 25, following sec. 24, to read as follows:

"Sec. 24. NRS 281.573 is hereby amended to read as follows:

281.573 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281.561 and 281.571 *and section 19 of this act* must be retained by the Commission, Secretary of State, county clerk and city clerk for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.

Sec. 25. NRS 281.575 is hereby amended to read as follows:

281.575 The Secretary of State and each county or city clerk who receives from a candidate for public office a declaration of candidacy,

acceptance of candidacy or certificate of candidacy shall give to the candidate the form ~~[prescribed by the Commission]~~ *set forth in section 2 of this act* for the making of a statement of financial disclosure, accompanied by instructions on how to complete the form, where it must be filed and the time by which it must be filed.".

Amend sec. 25, pages 35 and 36, by deleting lines 28 through 43 on page 35 and lines 1 through 16 on page 36 and inserting:

"Sec. 26. NRS 281.581 is hereby amended to read as follows:

281.581 1. ~~[A]~~ *If the Secretary of State receives information that a* candidate for public office or public officer ~~[who fails to file]~~ *has not filed* his statement of financial disclosure in a timely manner pursuant to NRS 281.561 *or section 19 of this act, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.*

2. Except as otherwise provided in this section, a candidate for public office or public officer who fails to file his statement of financial disclosure in a timely manner pursuant to NRS 281.561 or section 19 of this act is subject to a civil penalty *of not more than $5,000 for each violation* and payment of court costs and attorney's fees. ~~[Except as otherwise provided in subsection 3, the]~~ *The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.*

3. The amount of the civil penalty is:

(a) If the statement is filed not more than 7 days late, $25 for each day the statement is late.

(b) If the statement is filed more than 7 days late but not more than 15 days late, ~~[$175 for the first 7 days, plus]~~ $50 for each ~~[additional]~~ day the statement is late.

(c) If the statement is filed more than 15 days late, ~~[$575 for the first 15 days, plus]~~ $100 for each ~~[additional]~~ day the statement is late.

~~[2. The Commission may, for]~~

4. For good cause shown, *the Secretary of State may* waive ~~[or reduce the civil penalty.~~

~~3. The civil penalty imposed for a violation of this section must not exceed the annual compensation for the office for which the statement was filed.~~

~~4. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Commission in a court of competent jurisdiction and deposited by the Commission in the account for credit to the State General Fund in the bank designated by the State Treasurer.~~

~~5. If the Commission]~~ *a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State* waives a civil penalty

pursuant to ~~[subsection 2, the Commission]~~ *this subsection, the Secretary of State* shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.".

Amend sec. 26, page 36, line 17, by deleting "294A.180 is" and inserting: "294A.125, 294A.170 and 294A.180 are".

Amend the text of repealed sections by adding the text of NRS 294A.125 and 294A.170.

Amend the title of the bill by deleting the first, second and third lines and inserting:

"AN ACT relating to elections; establishing the general form used for reporting campaign contributions and expenditures and certain statements of financial disclosure; eliminating the requirement to report campaign expenses and expenditures that have been contracted for but not paid during a reporting period; revising the dates for".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblymen Conklin, Beers, and Giunchigliani.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 10:39 a.m.

ASSEMBLY IN SESSION

At 12:40 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 125, 157, 213, 214, 358, 369, 393, 398, 401, 453, 490, 499, 502, and 541 be taken from their position on the General File and placed at the bottom of the General File.

Motion carried.

NOTICE OF EXEMPTION

April 22, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 200.

MARK STEVENS
Fiscal Analysis Division

Assembly Bill No. 91.

Bill read third time.

Roll call on Assembly Bill No. 91:

YEAS—42.

NAYS—None.

Assembly Bill No. 91 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 168.

Bill read third time.

Remarks by Assemblyman Horne.

Potential conflict of interest declared by Assemblyman Horne.

Roll call on Assembly Bill No. 168:

YEAS—42.

NAYS—None.

Assembly Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174.

Bill read third time.

Roll call on Assembly Bill No. 174:

YEAS—34.

NAYS—Angle, Beers, Brown, Christensen, Gustavson, Knecht, Mabey, Sherer—8.

Assembly Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 185.

Bill read third time.

Remarks by Assemblymen Horne and Goldwater.

Potential conflict of interest declared by Assemblyman Horne.

Roll call on Assembly Bill No. 185:

YEAS—42.

NAYS—None.

Assembly Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 196.

Bill read third time.

Roll call on Assembly Bill No. 196:

YEAS—42.

NAYS—None.

Assembly Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 200 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 208.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 208:

YEAS—42.

NAYS—None.

Assembly Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 215.

Bill read third time.

Remarks by Assemblymen Hettrick and Goldwater.

Roll call on Assembly Bill No. 215:

YEAS—42.

NAYS—None.

Assembly Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 220.

Bill read third time.

Remarks by Assemblyman Brown.

Potential conflict of interest declared by Assemblyman Brown.

Roll call on Assembly Bill No. 220:

YEAS—41.

NAYS—Carpenter.

Assembly Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 223:
YEAS—42.
NAYS—None.
Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 237.
Bill read third time.
Remarks by Assemblyman Geddes.
Roll call on Assembly Bill No. 237:
YEAS—40.
NAYS—Angle, Sherer—2.
Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 239.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Assembly Bill No. 239:
YEAS—42.
NAYS—None.
Assembly Bill No. 239 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 246.
Bill read third time.
Roll call on Assembly Bill No. 246:
YEAS—42.
NAYS—None.
Assembly Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 275.
Bill read third time.
Roll call on Assembly Bill No. 275:
YEAS—42.
NAYS—None.
Assembly Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 295.
Bill read third time.

Roll call on Assembly Bill No. 295:
YEAS—41.
NAYS—McCleary.
Assembly Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 296.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Bill No. 296:
YEAS—42.
NAYS—None.
Assembly Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 304.
Bill read third time.
Roll call on Assembly Bill No. 304:
YEAS—42.
NAYS—None.
Assembly Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 316.
Bill read third time.
Remarks by Assemblyman Brown.
Potential conflict of interest declared by Assemblyman Brown.
Roll call on Assembly Bill No. 316:
YEAS—40.
NAYS—Angle, Christensen—2.
Assembly Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 320.
Bill read third time.
Remarks by Assemblywoman Buckley.
Roll call on Assembly Bill No. 320:
YEAS—42.
NAYS—None.
Assembly Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 326.
Bill read third time.

Roll call on Assembly Bill No. 326:

YEAS—42.

NAYS—None.

Assembly Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 343.

Bill read third time.

Roll call on Assembly Bill No. 343:

YEAS—42.

NAYS—None.

Assembly Bill No. 343 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344.

Bill read third time.

Roll call on Assembly Bill No. 344:

YEAS—42.

NAYS—None.

Assembly Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348.

Bill read third time.

Roll call on Assembly Bill No. 348:

YEAS—42.

NAYS—None.

Assembly Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bills ordered transmitted to the Senate.

Assembly Bill No. 355.

Bill read third time.

Roll call on Assembly Bill No. 355:

YEAS—42.

NAYS—None.

Assembly Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

Roll call on Assembly Bill No. 356:

YEAS—30.

NAYS—Andonov, Angle, Beers, Brown, Goicoechea, Gustavson, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—12.

Assembly Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 367.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 367:

YEAS—42.

NAYS—None.

Assembly Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 375.

Bill read third time.

Remarks by Assemblymen Horne, Giunchigliani, Beers, and Brown.

Roll call on Assembly Bill No. 375:

YEAS—42.

NAYS—None.

Assembly Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 384.

Bill read third time.

Roll call on Assembly Bill No. 384:

YEAS—39.

NAYS—Angle, Gustavson, Weber—3.

Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Knecht moved that Assembly Bill No. 415 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 390.

Bill read third time.

Roll call on Assembly Bill No. 390:

YEAS—42.

NAYS—None.

Assembly Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 405.

Bill read third time.

Roll call on Assembly Bill No. 405:

YEAS—42.

NAYS—None.

Assembly Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417.

Bill read third time.

Roll call on Assembly Bill No. 417:

YEAS—42.

NAYS—None.

Assembly Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 516 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblymen Hettrick, Buckley, and Anderson.

Roll call on Assembly Bill No. 427:

YEAS—28.

NAYS—Anderson, Atkinson, Buckley, Chowning, Conklin, Giunchigliani, Goldwater, Horne, Koivisto, Leslie, Mortenson, Oceguera, Ohrenschall, Perkins—14.

Assembly Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 431.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 431:

YEAS—39.

NAYS—Angle, Gustavson, Knecht—3.

Assembly Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 432.

Bill read third time.

Roll call on Assembly Bill No. 432:
YEAS—42.
NAYS—None.
Assembly Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 452.
Bill read third time.
Roll call on Assembly Bill No. 452:
YEAS—40.
NAYS—Angle, Gustavson—2.
Assembly Bill No. 452 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:45 p.m.

ASSEMBLY IN SESSION

At 2:05 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Assembly Bill No. 398 be taken from the General File and placed at the top of the General File.
Remarks by Assemblyman Manendo.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 398.
Bill read third time.
The following amendment was proposed by Assemblymen Leslie and Geddes:
Amendment No. 553.
Amend sec. 10, page 5, line 43, by deleting "*20*" and inserting "*4*".
Amend sec. 24, page 13, line 2, by deleting "*20*" and inserting "*4*".
Assemblywoman Leslie moved the adoption of the amendment.
Remarks by Assemblywoman Leslie.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 484.
Bill read third time.
Remarks by Assemblymen Christensen and McCleary.

Roll call on Assembly Bill No. 484:

YEAS—14.

NAYS—Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Conklin, Geddes, Giunchigliani, Goicoechea, Grady, Gustavson, Hardy, Hettrick, Horne, Knecht, Leslie, Mabey, McCleary, Mortenson, Oceguera, Perkins, Sherer, Weber—28.

Assembly Bill No. 484 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 485.

Bill read third time.

Roll call on Assembly Bill No. 485:

YEAS—42.

NAYS—None.

Assembly Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495

Bill read third time.

Remarks by Assemblyman Horne.

Potential conflict of interest declared by Assemblyman Horne.

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

Assembly in recess at 2:12 p.m.

ASSEMBLY IN SESSION

At 2:18 p.m.

Mr. Speaker presiding.

Quorum present.

Roll call on Assembly Bill No. 495:

YEAS—42.

NAYS—None.

Assembly Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Roll call on Assembly Bill No. 498:

YEAS—40.

NAYS—Gustavson.

NOT VOTING—Carpenter.

Assembly Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503.

Bill read third time.

Roll call on Assembly Bill No. 503:

YEAS—20.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, McCleary, Oceguera, Sherer, Weber—22.

Assembly Bill No. 503 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

Assembly Bill No. 512.

Bill read third time.

Roll call on Assembly Bill No. 512:

YEAS—39.

NAYS—Angle, Gustavson, Knecht—3.

Assembly Bill No. 512 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 514:

YEAS—37.

NAYS—Angle, Beers, Gustavson, Knecht, Mabey—5.

Assembly Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 522.

Bill read third time.

Roll call on Assembly Bill No. 522:

YEAS—42.

NAYS—None.

Assembly Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 510.

Bill read third time.

Roll call on Assembly Bill No. 510:

YEAS—42.

NAYS—None.

Assembly Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125.

Bill read third time.

Roll call on Assembly Bill No. 125:
YEAS—42.
NAYS—None.
Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 157.
Bill read third time.
Roll call on Assembly Bill No. 157:
YEAS—42.
NAYS—None.
Assembly Bill No. 157 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 213.
Bill read third time.
Roll call on Assembly Bill No. 213:
YEAS—42.
NAYS—None.
Assembly Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 214.
Bill read third time.
Roll call on Assembly Bill No. 214:
YEAS—42.
NAYS—None.
Assembly Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 401 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Goldwater.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 358.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Assembly Bill No. 358:
YEAS—37.
NAYS—Angle, Beers, Collins, Gibbons, Gustavson—5.

Assembly Bill No. 358 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 369.

Bill read third time.

Roll call on Assembly Bill No. 369:

YEAS—42.

NAYS—None.

Assembly Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblyman Brown.

Potential conflict of interest declared by Assemblyman Brown.

Roll call on Assembly Bill No. 393:

YEAS—42.

NAYS—None.

Assembly Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 453.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 453:

YEAS—40.

NAYS—Angle, Gustavson—2.

Assembly Bill No. 453 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 490.

Bill read third time.

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

Assembly in recess at 2:41 p.m.

ASSEMBLY IN SESSION

At 2:43 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 490 be taken from the General File and placed at the bottom of the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 499.

Bill read third time.

Roll call on Assembly Bill No. 499:

YEAS—42.

NAYS—None.

Assembly Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 502:

YEAS—31.

NAYS—Andonov, Angle, Beers, Christensen, Geddes, Grady, Gustavson, Hardy, Knecht, Mabey, Weber—11.

Assembly Bill No. 502 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 541.

Bill read third time.

Roll call on Assembly Bill No. 541:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 541 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 398 and 429 just returned from the printer, be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 398.

Bill read third time.

Remarks by Assemblyman Geddes.

Roll call on Assembly Bill No. 398:
YEAS—42.
NAYS—None.
Assembly Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 429.
Bill read third time.
Roll call on Assembly Bill No. 429:
YEAS—42.
NAYS—None.
Assembly Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:53 p.m.

ASSEMBLY IN SESSION

At 3:09 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 244 just returned from the printer, be placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 244.
Bill read third time.
The following amendment was proposed by Assemblyman Collins:
Amendment No. 555.
Amend section 1, pages 2 and 3, by deleting lines 42 through 44 on page 2 and lines 1 through 5 on page 3, and inserting: "*governing body determines that a rural preservation neighborhood no longer meets the requirements of subsection 1,*".
Assemblyman Collins moved the adoption of the amendment.
Remarks by Assemblyman Collins.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 490 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bill No. 529 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 529.

Bill read third time.

Roll call on Assembly Bill No. 529:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 529 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 3:14 p.m.

ASSEMBLY IN SESSION

At 3:21 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 244 just returned from the printer, be placed on the General File.

Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 401 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 244:

YEAS—40.

NAYS—Goldwater, McCleary—2.

Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 401.

Bill read third time.

Roll call on Assembly Bill No. 401:

YEAS—34.

NAYS—Angle, Chowning, Gibbons, Giunchigliani, Gustavson, Koivisto, Leslie, Manendo—8.

Assembly Bill No. 401 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Keenan and Katie Keenan.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Grover Norquist.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Nurenburg.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Anne Crews, John Webb, Brian Harrison, and Josephine Mills.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Faun Dixon and Naomi DiMartino.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, April 24, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 3:28 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 24, 2003

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Goldwater and Horne, who were excused.

Prayer by the Chaplain, Reverend Robert Burns.

Almighty God, we seek Your blessings on this session of the Nevada Assembly. Grant these men and women wisdom and insight as they go about their business on behalf of the citizens of Nevada. Lord, I pray, give them a keen sense of the right and good and just and fair in everything they do. We pray also, Lord God, for all of the leaders of this country, and the leaders of all the countries of the world, as we fervently seek peace and security for all of Your people. We pray for all those who keep the watch today across the world. Be with our men and women, soldiers, sailors, airmen, and marines who give so fully of themselves to bring security to our world. Especially, we ask Your blessing on over 250 Nevada young people deployed with the Military Reserve and National Guard. Grant us Your richest blessings this day. In Your Holy Name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 84, 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 286, 300, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 341, 381, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 97.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 19, 27, 66, 76, 114, 122, 127, 139, 147, 164, 175, 193, 229, 248, 264, 310, 319, 320, 323, 332, 336, 351, 354, 362, 370, 372, 373, 387, 411, 425, 426, 428, 429, 440, 447, 448, 449, 453, 460, 473, 483, 485, 489, 490, 491; Senate Joint Resolutions Nos. 3, 4.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 483 to Senate Bill No. 417.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 3.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 4.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblyman Oceguera moved that the reading of Histories on all Senate bills be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 19.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 27.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 66.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 76.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 97.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 114.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 122.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 127.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture, and Mining and Ways and Means.

Motion carried.

Senate Bill No. 139.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 147.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 164.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 175.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 193.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 229.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 248.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 264.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 310.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 319.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 320.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 323.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 332.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 336.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 351.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 354.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 362.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 370.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 372.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 373.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 387.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 411.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 425.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 426.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 428.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 429.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 440.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

Senate Bill No. 447.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 448.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 449.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 453.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 460.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 473.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 483.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 485.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 489.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 490.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 491.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 11:38 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 53; Senate Bill No. 417.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Clyda Anderson.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Giorgione and Nickolas Steven Giorgione.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Vebeck and Lucy Stewart.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ileana Drobkin and Kevin Buckley.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Deuel and Krista Deuel.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Uhart, Ruby Roach, and Kirk Kleinschmidt.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Rudd and Kelsey Rudd.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Michele Vietti, Donny Vietti, Abriana Vietti, Benjamin Larkin, Alicia Chavez, Ali Chavez, Gloria Chavez, Martin Chavez, Amy Chavez, Julia Baker, Diane Baker, Rose Feltner, William Feltner, David Feltner, Juli McKean, Desiree McKean, Maegan McKean, Shannon McKean, Tori McKean, Willow Good, Suzanne Barulich, Anna Lynn Barulich, Luke Barulich, Elisabeth Barulich, Daniel Barulich, Alex Borgman, Ariel Borgman, Zach Borgman, Austin Longton, Ashley Borgman, Carly Nystrom, Jennifer Nystrom, and Kenneth Nystrom.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Branks and Kirk Kleinschmidt.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Blackman.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Buckley and Thomas Buckley.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to David Humke, David Mitchell, Olivia Alonso, Alessendra Alonso, Christian Alonso, and Madeleine Alonso.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 25, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-SECOND DAY

CARSON CITY (Friday), April 25, 2003

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Brown, Carpenter, Christensen, Horne, and Parks, who were excused.

Prayer by the Chaplain, Reverend Albert Tilstra.

Heavenly Father, our country has enjoyed the highest level of freedom of any country in the world. For that we thank and praise You. We have the Constitution and the Bill of Rights to guarantee our freedom to speak without fear, worship You, choose our leaders, oppose wrongs, and defend what is right. Americans enjoy these freedoms because You have been with us, Lord, guiding our leaders and ordinary citizens to do extraordinary things in Your name. Continue to give us Your guidance and Your strength to resist those forces that would take away our precious freedoms and pull us down to their level. Humbly we ask You to preserve our country's freedoms so that we may remain a beacon of light to the world.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 128, 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 28, 72, 110, 173, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 6, 19, 42, 111, 139, 140, 145, 177, 201, 302, 306.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Senate Concurrent Resolutions Nos. 7, 26.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 7.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Concurrent Resolution No. 26.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 470.

Bill read second time and ordered to third reading.

Assembly Bill No. 493.

Bill read second time and ordered to third reading.

Senate Bill No. 84.

Bill read second time and ordered to third reading.

Senate Bill No. 96.

Bill read second time and ordered to third reading.

Senate Bill No. 113.

Bill read second time and ordered to third reading.

Senate Bill No. 286.

Bill read second time and ordered to third reading.

Senate Bill No. 300.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

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

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 87 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.
Remarks by Assemblyman Anderson.
Motion carried.

Assemblyman Anderson moved that Senate Bill No. 88 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.
Remarks by Assemblyman Anderson.
Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 341 and 381 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Natha Clyde Anderson.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan Haygood and Bryn Nebeker.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Philip Ringle.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Louie Giordano and Bernie Graham.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Knecht and Karyn Knecht.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Nicole Watley and Tracy Rene Richardson.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Justin McMenomy.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, April 28, 2003, at 11:00 a.m., where it would reconvene in the old Assembly Chambers in the historic Capitol Building.

Motion carried.

Assembly adjourned at 11:33 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), April 28, 2003

Assembly called to order at 11:22 a.m. in the old Assembly Chambers at the historic Capitol Building.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Marlene Wendell.

God's Holy Word, the Bible, tells us the proper protocol for entering into the highest court in all the universe. Psalms 100:4-5: "Enter into His gates with thanksgiving and into His courts with praise. Be thankful to Him, and bless His Name. For the Lord is good; His mercy is everlasting, and His truth endures to all generations." Heavenly Father, we enter into Your gates with thanksgiving in our hearts. Our hearts are full of gratitude and thanksgiving for the privilege of coming into Your Holy Presence. You are such an awesome God. "For the Lord is good; His mercy is everlasting." We praise You for Your goodness and Your truth. You are worthy to be praised.

In Hebrews 4:16, You have invited us to fearlessly and confidently and boldly to draw near to the throne of grace, the throne of God's unmerited favor; that we may receive mercy and find grace to help in good time for every need—appropriate help and well-timed help, coming just when you need it.

These legislators, who are giving of their time, effort, energy, ability, and wisdom need Your mercy and grace today. Included in Your grace is favor, power, might, wisdom—the blessings of God; everything we need to fulfill our calling. Based on Your Word, we release our faith and receive a fresh supply of Your mercy and grace right now today for the important tasks at hand. We give You praise for the impartation of wisdom, coming from You, the Omniscient One, to each of them. We believe You for Your protection on each one of them and their families, for You have declared that You are a shield for us and the One who lifts up our heads. We ask You to empower them and give them Your supernatural energy and strength. We ask it all in the precious and Holy Name of the Lord Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 28.

Bill read second time and ordered to third reading.

Senate Bill No. 72.

Bill read second time and ordered to third reading.

Senate Bill No. 110.

Bill read second time and ordered to third reading.

Senate Bill No. 128.
Bill read second time and ordered to third reading.

Senate Bill No. 173.
Bill read second time and ordered to third reading.

Senate Bill No. 174.
Bill read second time and ordered to third reading.

Senate Bill No. 232.
Bill read second time and ordered to third reading.

Senate Bill No. 276.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 72 be taken from the General File and re-referred to the Committee on Ways and Means.
Remarks by Assemblyman Anderson.
Motion carried.

Assemblyman Manendo moved that Senate Bill No. 173 be taken from the General File and re-referred to the Committee on Ways and Means.
Remarks by Assemblyman Manendo.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 341.
Bill read third time.
Remarks by Assemblymen Oceguera, Knecht, and Buckley.
Roll call on Assembly Bill No. 341:
YEAS—41.
NAYS—Beers.
Assembly Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 381.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 381:
YEAS—42.
NAYS—None.
Assembly Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 470.
Bill read third time.

Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 470:
YEAS—42.
NAYS—None.
Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:52 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

Assembly Bill No. 493.
Bill read third time.
Remarks by Assemblymen Goldwater and Angle.
Roll call on Assembly Bill No. 493:
YEAS—41.
NAYS—Angle.
Assembly Bill No. 493 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 84.
Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Senate Bill No. 84 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblywoman Koivisto.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 87.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Senate Bill No. 87:
YEAS—42.
NAYS—None.
Senate Bill No. 87 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:04 p.m.

ASSEMBLY IN SESSION

At 12:05 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 88, 96, 113, 286, and 300 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Buckley moved that the following proclamation be entered in the Journal:

PROCLAMATION OF THE NEVADA STATE ASSEMBLY

WHEREAS, April 28, 2003, marks the first floor session of the Nevada Assembly in its former Chambers in the historic State Capitol Building since the Legislature adjourned *sine die* 34 years and 4 days ago, on April 24, 1969; and

WHEREAS, The earliest sessions of Nevada's Territorial and State Legislatures, from 1861 through 1869, were conducted in Carson City in either hotels or the original Ormsby County Courthouse, which led Assemblyman John S. Mayhugh, of Aurora in Esmeralda County, to introduce legislation providing for the erection of a State Capitol Building, which was passed after waves of legislative protest and signed into law on February 23, 1869; and

WHEREAS, The Capitol Building in Carson City served as the home of the Nevada State Legislature for nearly 100 years and 51 regular sessions, from the 5th Regular Session in 1871 through the 55th Regular Session in 1969; and

WHEREAS, A century of change and challenge in Nevada was addressed in these Chambers every two years (including one annual session in 1960), during which time the State's population experienced sharp increases and decreases depending on the fortunes of mining and the price of minerals, ranging from a total state population of just over 42,000 in both 1870 and 1900, to 488,738 in 1970; and

WHEREAS, The number of Assembly members in these Chambers, which was originally called the Assembly Hall, ranged from a high of 53 in the sessions of 1913 and 1915, to a low of 30 members in the sessions of 1893 through 1899; and

WHEREAS, Women first graced these Chambers as elected members when Mrs. Sadie D. Hurst was elected to the Assembly from Washoe County in 1918 and served during the 1919 Session with distinction; and

WHEREAS, As the 1969 Session neared its end, the Speaker of the Assembly noted that despite the excellent design, quality of building materials, and stately beauty of the Capitol Building, the State and its legislative requirements had outgrown the Assembly and Senate Chambers that had served so well; and

WHEREAS, It was with feelings of gratitude and respect for the past and hopes for the future that Assembly Speaker Howard F. McKissick, Jr., a native Nevadan and distinguished attorney from Reno, bid farewell to these Chambers on the last night of the 55th Legislative Session, on April 24, 1969, by stating, "Let us then hold fast to the memory of those who went before us and, grateful that we have had an opportunity to participate in events that have taken place here,

let us go forward with confidence to our new duties in our new Assembly Chamber in the soon-to-be-completed Legislative Building . . . (and) let us take with us the same pioneer spirit of all the Assemblymen of the state of Nevada who have helped shape our destiny, the willingness to enforce what is just, and the courage to change what is wrong"; now, therefore, be it

PROCLAIMED, That the members of the Nevada State Assembly of the 72nd Session look back with deep pride and appreciation on the hard work, courage, and vision of all those men and women who served the people of the state of Nevada as members of the Nevada Assembly in the Capitol Building; and be it further

PROCLAIMED, That Nevada's rich political history and heritage must be treasured, preserved, and brought back to life periodically through celebrations such as today's historic Floor Session in the former Chambers of the Nevada Assembly in the State Capitol Building.

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

NEVADA STATE ARCHIVIST GUY ROCHA:

Thank you, Mr. Speaker. I am honored to be the first state archivist to open this, or any, Assembly Floor Session in Nevada history. Thank you, Mr. Speaker, for extending the courtesy and assuming I had something to share on this auspicious occasion.

In 1969, when the last Floor Session of the Nevada Assembly met in this Chamber after meeting for virtually 100 years in the historic state capitol, I was preparing to graduate from Clark High School in Las Vegas. Little would I know that Assemblywoman Vonne Chowning, our Spanish teacher at Clark High School, and I would meet again under these wonderful and historic circumstances. Hola, mi maestra!

With the retirement of the Honorable Joe Dini from the State Assembly, there is conspicuously no member of the Assembly in this Chamber today who served in the 1969 session. According to the legislative manual, most of you were alive 34 years ago when the Assembly last met in the old Chambers. However, five of you who now serve in the Assembly were born in 1969, and one of you hadn't arrived yet: Walter Andonov, Kelvin Atkinson, Chad Christensen, Marcus Conklin, David Goldwater, and the baby, Josh Griffin.

There are currently 42 members of the Assembly and with the recent expansions of the current Legislative Building, with Arizona and North Carolina, one of three free-standing legislative buildings in the nation, you enjoy commodious surroundings. Can you imagine 53 members of the Assembly in 1913 squeezed into these Chambers, "cheek by jowl," before it was expanded to its current size in 1915? This room was half this size with 53 members. Would you believe the remodel bill to expand the wings of the Capitol was lost on third reading in the Assembly, and was passed only after a motion was made to reconsider and several more days of argument? What does that say about a long-standing tradition of fiscal conservatism in Nevada?

In that vein, we are fortunate to be able to conduct this Floor Session in the old Assembly Chambers today. In 1955, it was agreed that the State Capitol be torn down and four modern buildings constructed on the Capitol Grounds to conduct the State's business. With the completion of the Blasdel Building next door, the 1957 Legislature decided no more modern buildings like the Blasdel Building be constructed and that the State Capitol should be saved for posterity. The Capitol sustained a major seismic retrofit and renovation in the late 1970s and early 1980s. Thank goodness for historic preservation and archival records; we are once again here to do the State's business and celebrate Nevada's colorful history.

Speaking of political history, I would be remiss if I didn't share with you the names of the members of the Assembly who served in this Chamber and went on to serve as governor and members of Congress. Governors of Nevada who served in the Assembly and sat in the old Assembly Chambers include: Fred B. Balzar, Esmeralda County, 1905; Richard Kirman, Ormsby County, 1899, who was elected at the tender age of 21; Charles H. Russell, White Pine County, 1935, 1937, 1939; and Richard H. Bryan, Clark County, 1969.

Nevada members of the U.S. House of Representatives who served in the Assembly and sat in the old Assembly Chambers include: Thomas Wren, Eureka County, 1875; Clarence D. Van Duzer, Humboldt County, 1901; Charles L. Richards, Nye County, 1919; Berkeley Bunker, Clark County, 1937, 1939, who was Speaker, and would go on to the U.S. Congress;

Charles H. Russell, White Pine County, 1935, 1937, 1939; Walter S. Baring, Washoe County, 1937; and Harry M. Reid, Clark County, 1969.

Nevada U.S. Senators who served in the Assembly and sat in the old Assembly Chambers included: George S. Nixon, Humboldt County, 1891, the community of Nixon on the Pyramid Lake Reservation is named for the Senator; William A. Massey, Elko County, 1893; Charles B. Henderson, Elko County, 1905, for whom the city of Henderson is named; Patrick A. McCarran, Washoe County, 1903, for whom Las Vegas' International Airport is named; Berkeley L. Bunker, Clark County, 1937, 1939; Ernest S. Brown, Washoe County, 1933; Harry M. Reid, Clark County, 1969; and Richard H. Bryan, Clark County, 1969.

There have also been two other U.S. Senators of note that spoke in this Chamber during 1960, the only annual session in modern Nevada history, and when the population was a mere 285,000 residents. The two prominent Senators running for the Democratic nomination for the U.S. President spoke in this Chamber were John Fitzgerald Kennedy of Massachusetts, who spoke on February 1, 1960, and Hubert H. Humphrey of Minnesota, who spoke on February 9, 1960. Vice president Nixon, running for the Republican presidential nomination, was invited to speak to the Legislature; however, he sent his regrets that he could not accommodate another engagement after presiding over the opening of the Squaw Valley Winter Olympics on February 18, 1960.

In closing, I want to share with you the story behind the 1895 statute, now NRS 331.190, that prohibits the sale, gift, or disposal of liquor in the Capitol. Prior to this law being passed, the most lucrative concession in Carson City was running the bar, or "the well" as it was commonly known, in the Capitol during the legislative session. Prodigious amounts of alcohol were consumed during the course of the legislative process. Reformers were concerned about the example set for Nevadans and apparently the quality of the legislation. In 1893, Senator John Forbes, of Esmeralda County, introduced Senate Bill 14, "an act to prohibit the sale of intoxicating liquors in the state capitol." Violation of the proposed law was a misdemeanor and included a fine not to exceed $100 and/or imprisonment not to exceed 50 days. The bill easily passed the Senate with a vote of 11 yeas and 2 nays. However, the Assembly in this Chamber, and presumably some of its members under the influence, killed the anti-well bill by a vote of 16 against and 13 for. Undaunted, the reformers returned to fight another day.

In 1895, Assemblyman J. I. Wilson of Lyon County introduced Assembly Bill 14, "an act to prohibit the sale of ardent spirits within the Capitol Building of the State of Nevada." The misdemeanor penalty associated with this proposed legislation included a fine of not less than $100 and not exceeding $500, or be imprisoned in the county jail for not less than one month and not exceeding six months. Although the bill received a "do pass" from the Assembly Committee on Public Morals, and a petition from the Women's Christian Temperance Union, who were praying for the passage of Assembly Bill 14, presented and read on February 5, the bill was apparently lost by a tie vote. Assemblyman S. L. McNaughten of Esmeralda County gave notice that on the next legislative day he would move a reconsideration of the vote. The Assembly voted to reconsider the bill on February 6 and after much parliamentary maneuvering and an amendment to the bill proposed by J. A. Conboie of Storey County, Assembly Bill 14 passed the Assembly on February 8 by a vote of 26 to 3 and 1 absent.

Annie Hudnall Martin, pioneer owner and editor of the Carson City News, wrote, "McNaughten moved a reconsideration of the vote by which the 'anti-well' bill was lost the preceding day. He did not pose as a prohibitionist but urged the passage of this bill for the benefit of the rising generation and in the interest of good morals and decency and all that was respectable and commendable. The motion to reconsider was carried by a vote of 16 to 11. When the bill came up for the final vote Constant moved for indefinite postponement. Lost. The motion to make the bill a specific order for Monday was lost. Conboie moved to amend by having the bill take effect after April 1, 1895. Amendment adopted and the whole proceeding thus turned into a farce."

The Senate easily passed the bill and Governor John E. Jones signed it. The Women's Christian Temperance Union's prayers were answered, the 1895 Legislature, because of the amendment, could spend the rest of the session drinking, and beginning in 1897, legislators were compelled to walk across the street to patronize Carson City's bars and saloons and to do their

drinking. Now you know the story as to why we are not drinking in the old Assembly Chambers today. Thank you and cheers. Here is to a memorable day in the history of Nevada.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I would just like to say thank you. We appreciate you doing this. I want to express from all the members that it is a thrill for us to sit in this Body on this special occasion. Being in this Body and in this room, I think about the history and soul of the state of Nevada. I congratulate you in your effort for getting this done. The printed materials on the desk are wonderful and I think we should give the Speaker a round of applause.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I sincerely appreciate that, Mr. Hettrick. However, my part was just a thought. I think we owe to the many, many staff hours that were put into this, everything from gathering the appropriate desks and looking at the photos, to seeing how the placement of the room needed to be. The Sergeant at Arms staff, Mr. Sullivan, the Front Desk staff, everyone involved from the Legislative Building—they brought everything here, including all the recording equipment that you see, to memorialize this event. They are the ones that truly, truly need the thanks, and I think they deserve an even larger round of applause.

I would note, as well, that I think I saw Congresswoman Vucanovich and Ms. Cafferata leave earlier. Maybe Governor Guinn slipped out as well. We had the Governor here; the Secretary of State is still with us. Senator Jacobsen, former Speaker, it is good to have you here. Ms. Segerblom, it has been a little while but we are glad to see you as well as often as we can here in Carson City. Mr. Swackhamer, also a former Speaker and Secretary of State, and so many other accomplishments in a long list, is with us also. And, of course, the inestimable Speaker Dini. Joe, we couldn't have done it without you. It is good to have all of you with us today. Thanks for being with us.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I just want to add my thanks to everyone else to the Speaker for arranging this day. I was pretty surprised to find out just a short while ago when I was named Majority Leader by the Speaker, that I'm the first woman in the history of the state of Nevada to be a majority leader. So, this is the first opportunity that a female majority leader ever had the opportunity to speak up in these Chambers. I would like to thank you, Speaker Perkins, for giving me the opportunity, as well as Speaker Joe Dini. Without the two of you, I wouldn't have received this appointment. So, thank you.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I would like to give remarks as well. Of course, Ms. Buckley was appointed the first female majority leader in the State's history. At the same time, Mr. Speaker, you had the vision, courtesy, and wherewithal to appoint me as the first African-American Speaker pro Tempore in the State's history. Having the opportunity to serve today in this building is an honor. You'll notice on the proclamation, the date of the first female to serve in this Body and in this building. Prior to today, there was never an African-American to serve the State as Speaker pro Tempore in this room. To be able to meet back in here for the first time, along with my other colored colleagues, is the first time an African-American has graced this room as a presiding officer. To be able to preside today, Mr. Speaker, I am very grateful for that. I think of all the history here, regardless of how colorful it is, how crushed would they be, if with all of our great history, that we did not continue to legislate for the great State that we all know that it is. Thank you, Mr. Speaker.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Segerblom and Jackie Valley.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Collins.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Fleiner.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Bean and Pat Grady.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to James E. Inman.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Knecht, Karyn Knecht, and Christena Jensen.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Daykin and James Ohrenschall.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Guy Rocha, Lorne Malkiewich, Bob Erickson, Joseph E. Dini, Jr., Mouryne Dini, Dana Bennett, Bob Nylen, Ron James, William D. Swackhamer, David Howard, Lawrence E. Jacobsen, Joseph Bananno, Jessica Bananno, and Kim Foster.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, April 29, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), April 29, 2003

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Knecht, who was excused.

Prayer by the Chaplain, Pastor Marlene Wendell.

Psalm 118:24-25 says: "This is the day the Lord has made; we will rejoice and be glad in it. Save now, I pray, O Lord: O Lord, I pray, send now prosperity." Heavenly Father, we enter into your gates with thanksgiving and into Your courts with praise. We rejoice in this day that You have made! We give you all the glory, honor, and praise. You, Father God, have told us Your names which reveal Your attributes, Your character and Your nature so that we know you more intimately. You revealed Yourself to Abraham, the father of faith, as El Shaddai, the Almighty God, the All-sufficient One.

We look to You as the All-sufficient One for Your help for every one of these leaders. Thank You for a spirit of unity among these leaders, resulting in great accomplishments during this legislative session for prosperity of the people of the state of Nevada. As You spoke to Abraham, we make it our faith declaration also: You, Almighty God, are our shield and our exceedingly great reward. Thank You, Father God. In Jesus' Name, we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 133, 350, 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Senate Bill No. 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 172, 201, 484; Senate Joint Resolutions Nos. 1, 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TOM COLLINS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 28, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 175, 189, 247, 468, 531.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Buckley, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Titus, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 15—Memorializing longtime advocate for senior citizens, Clarence Edwin "Ed" Fend, Jr.

WHEREAS, The members and staff of the Nevada Legislature were recently saddened to learn of the death of Ed Fend on November 24, 2002; and

WHEREAS, Clarence Edwin "Ed" Fend, Jr., was born in Butler, Pennsylvania, on May 22, 1928, to loving parents who bestowed upon him a strong sense of family and patriotism; and

WHEREAS, Shortly after his graduation from high school in 1946, Ed Fend enlisted in the United States Navy and, over the next 9 years, advanced through the enlisted ranks and earned the title of Electronics Technician First Class; and

WHEREAS, Ed Fend's strong love of country prompted him to enroll in Officer Candidate School in May 1955, and he was commissioned as Ensign and eventually rose to the rank of Captain; and

WHEREAS, During his military career, Captain Fend was commander of the *USS Cree ATF-84* and the *USS Sample DE-1048* and heroically served in the Korean War, the Vietnam War, and other campaigns, earning him the Legion of Merit, the Meritorious Service Medal, the Bronze Star Medal, the Navy Good Conduct Medal, and the Combat Action Ribbon; and

WHEREAS, After his retirement from the Navy in 1981, Captain Fend advocated for the welfare of senior citizens in Nevada as a lobbyist for the American Association of Retired Persons and as a legislatively appointed member of the Task Force for the Fund for a Healthy Nevada; and

WHEREAS, Ed Fend was known for his genteel demeanor and his ever-present smile, and was respected for his informed and concise testimony regarding issues important to seniors; and

WHEREAS, Ed Fend is survived by his wife, Jacki H. Fend, and his children, John E. Fend, James I. Fend, and Debora B. McElroy; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 72nd Session of the Nevada Legislature express their heartfelt sympathy and sincere condolences to the family and friends of Captain Clarence Edwin Fend; and be it further

RESOLVED, That Captain Fend's memory as a devoted husband, father and friend, his dedication to our country and his strong advocacy for senior citizens in our State will never be forgotten; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Captain Fend's loving wife, Jacki.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley, Ohrenschall, Goldwater, Chowning, and Giunchigliani.

Assemblyman Williams requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I didn't know Ed Fend as a wartime veteran, a fighter for our country, or the wonderful husband and father that he was. I knew him as a fighter in these halls. I first met Ed in 1995 when I had a bill to create more affordable housing. He walked up to me and said, "Boy, I love your bill. What can I do to help?" He was the only person to love that bill that session. Lots of people didn't like it, but Ed was there next to me fighting. He fought hard for every issue that he thought would help seniors. The term "lobbyist" sometimes is derided, but Ed was a wonderful lobbyist, a nonprofit lobbyist, with AARP. He fought for affordable housing, affordable health care, and prescription drug coverage. He wasn't afraid to voice an opinion even when others were afraid. Ed saw problems with the first version of the Senior Rx Program. There wasn't anyone willing to say maybe it was not affordable, except Ed. He spoke up when others were afraid to because it was the right thing. We will miss Ed. I think if we do anything but learn from his passion, courage, and his never-failing advocacy, that legacy can remain in parts of us, and we will do a good tribute to Ed Fend.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I think that the Majority Leader has covered most everything that I was going to say. Ed Fend, the man that I knew, was there ready to pitch in to every righteous battle for anyone that needed it, whether an organized group or one individual. He gave of his own time, unstintingly, not just for the organization that he represented. The organization was wonderful and he was devoted to AARP, but he did not hesitate to give of his personal time when anyone needed it. I urge this Assembly to pass this resolution.

ASSEMBLYMAN GOLDWATER:

Mr. Speaker, thank you. I rise in strong support of ACR 15. We are in a window of time where we are losing, in America, our greatest generation. Those of us who are observant of that would observe that Ed Fend epitomizes the greatest generation as well as anybody. His was a selfless, modest dedication to service at all levels. He had success in family, government service, military service, advocacy service, and at all levels. If you knew him around these halls, you would have never known how well he did. He was a great man whose heart was in the right place and he followed his heart. It is sad as we lose our greatest generation, but it is nice to be reminded of what these men and women have done for us and that they have brought us to where we are now. Thanks to people like Ed, we can continue to progress from where they brought us.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I, too, stand in support of ACR 15. Through the years Ed brought the voice of the seniors, loud and clear, to me and to each and every one of us. We never, ever forgot about the seniors because Ed wouldn't let us forget about the seniors. There is a gentleman in southern Nevada who said to me, "I work with Ed and I will be talking to you at various times about senior issues." That is all the lead-in that he needed to provide the

credibility that I needed. I thank the family for loaning him to us all those times, and I thank him for his service to our country and to our state.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of ACR 15. I think things have been said quite well. I always appreciated seeing Ed first thing in the morning and the smile on his face. He was a big man, so he had a big presence. His smile would start your day off in the right way, which I always appreciated. To conclude, I would say that Ed epitomized community spirit and he truly was a soldier to the end. He was a soldier, not only in war, but he was a soldier, and had the backs of every retiree and senior citizen in this state. He will be missed dearly. Thank you.

Resolution adopted unanimously.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 15 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 28.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 28:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 88.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 88:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Senate Bill No. 113 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Manendo.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 276 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblyman Parks moved that Senate Bill No. 334 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Parks.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 29, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 30.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 30.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblymen Grady and Chowning.

Resolution adopted unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 96.

Bill read third time.

Remarks by Assemblymen Hardy and Giunchigliani.

Roll call on Senate Bill No. 96:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Senate Bill No. 110:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 128.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 128:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 174

Bill read third time.

Remarks by Assemblyman Goldwater.

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

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 174 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 232.

Bill read third time.

Roll call on Senate Bill No. 232:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 286.

Bill read third time.

Remarks by Assemblyman Brown.

Roll call on Senate Bill No. 286:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 300.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Senate Bill No. 300:
YEAS—41.
NAYS—None.
EXCUSED—Knecht.
Senate Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 334.
Bill read third time.
Remarks by Assemblymen Parks and Buckley.
Roll call on Senate Bill No. 334:
YEAS—41.
NAYS—None.
EXCUSED—Knecht.
Senate Bill No. 334 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 6, 19, 42, 111, 139, 140, 145, 177, 201, 302, and 306.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Siri, Meriam Siri, David Piel, Dee Piel, and Jacki Fend.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Walsh.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Carr, Joseph E. Dini, Jr., Mouryne Dini, Dennis Carr, Gene Carr, Kevin Carr, Kathy Carr, Steven Carr, Janet Clark, Dianna Hennessey, Cathie Kite, Kelly Kite, Linda Rudy, Karen Steele, and Tom Walburn.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to David Corbaci, Elaine Corbaci, Mara Dooley, Lee Esplin, Marianne Oliver, Marcella Posthuma, Dominick Rodriguez, John Abrajano, Cindy Allen, Katrina Corbaci, Mariah Crow/Larkin, Tyler Daviau, Taylor Hopkins, Joshua Hulford, Jessica Johnson, Erin Keely, Deirdre Lowry, Erin Oliver, Kimberlee Perry, Josiah Rodriguez, James Seiter, Marquela Waldo, Felicia Walker, and Chelsea Wasden.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Jacobsen.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, April 30, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), April 30, 2003

Assembly called to order at 11:19 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Marlene Wendell.

Father God, I pray that You would bless each and every member of the Nevada State Assembly and guide them in their decisions today. I pray that they will make choices that are both good and righteous in Your sight. Thank You, that they seek Your counsel and honor You. Proverbs 2:6-11 from the Amplified Version of the Bible says:

"For the Lord gives skillful and godly wisdom; from His mouth come knowledge and understanding. He hides away sound and godly wisdom and stores it for the righteous; He is a shield to those who walk uprightly and in integrity, that He may guard the paths of justice; yes, He preserves the way of His saints. Then you will understand righteousness, justice and fair dealing in every area and relation; yes, you will understand every good path. For skillful and godly wisdom shall enter into your heart, and knowledge shall be pleasant to you. Discretion shall watch over you, understanding shall keep you."

I ask, Father, that You will give them Your wisdom to accurately discern the issues presented before them. May they be fair and just, hearing out all reasonable voices. I praise You, that they conduct their affairs honorably, ethically, and with integrity. Thank You for Your Grace and mercy upon each and every one of them and the blessings of protection upon them and their families. May Your word be the foundation of their lives.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 3 of the 71st Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 29, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 74, 75, 77, 83, 105, 193, 253, 322, 520.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 55, Amendment No. 495; Assembly Bill No. 133, Amendment No. 504, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 15.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hettrick, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 16—Designating April 30, 2003, as "Vintage Car Day" at the Nevada Legislature.

WHEREAS, Automobiles and the automobile industry have played a vital role in the growth of this great country; and

WHEREAS, Automobile sales in the United States have grown over the years from $4,100 in 1900 to $3.7 million in 1925, $6.7 million in 1950, $9.3 million in 1965 to over $140 billion worth of motor vehicles and parts produced in the United States by companies employing over 6.6 million workers nationwide; and

WHEREAS, The automobile industry has become one of the largest purchasers of many key American industrial products, such as steel; and

WHEREAS, Since 1987, the automobile industry has grown by more than 47 percent, helping to drive the economy of the United States to new heights; and

WHEREAS, Automobiles have shaped our everyday lives over the past 100 years more than any other invention by allowing consumers to commute long distances for family visits, tourism, entertainment, shopping and work; and

WHEREAS, Automobiles have encouraged the development of a far-reaching system of highways and roads, which made possible the growth of suburbs and shopping centers around major cities; and

WHEREAS, Many people all over the nation, including a large number in Nevada, maintain their classic automobiles as a pastime and do so with a great passion; and

WHEREAS, The members of the Nevada Legislature recognize the effect the automobile has had on our country and support wholeheartedly all activities involved in the restoration and exhibition of these fine automobiles; and

WHEREAS, Thousands of local clubs have been instrumental in preserving a historic part of this country's heritage by encouraging the restoration and exhibition of these vintage works of art which easily evoke smiles and fond memories; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 72nd Session of the Nevada Legislature hereby designate April 30, 2003, as "Vintage Car Day" at the Nevada Legislature in recognition of all that automobiles and the automobile industry have done to shape this country and state; and be it further

RESOLVED, That the members of the Legislature express appreciation to the Valley Cruisers Car Club for organizing a nostalgic display on the legislative grounds in commemoration of this event.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Giunchigliani, Chowning, and Gibbons.

Resolution adopted unanimously.

Assemblyman Hettrick moved that all rules be suspended and that Assembly Concurrent Resolution No. 16 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 544—AN ACT relating to programs for public employees; establishing for the next biennium the amount to be paid by this state for group insurance for certain public employees, public officers and retired public employees; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 65.

Bill read second time and ordered to third reading.

Senate Bill No. 133.

Bill read second time and ordered to third reading.

Senate Bill No. 172.

Bill read second time and ordered to third reading.

Senate Bill No. 201.

Bill read second time and ordered to third reading.

Senate Bill No. 350.

Bill read second time and ordered to third reading.

Senate Bill No. 395.
Bill read second time and ordered to third reading.

Senate Bill No. 397.
Bill read second time and ordered to third reading.

Senate Bill No. 412.
Bill read second time and ordered to third reading.

Senate Bill No. 484.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 2.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

Assembly Bill No. 55.
The following Senate amendment was read:
Amendment No. 495.
Amend section 1, page 2, line 30, after "*(i)*" by inserting: "*Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100;*
(j)".
Amend section 1, page 2, line 33, by deleting "*(j)*" and inserting "*(k)*".
Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 55.
Remarks by Assemblyman Anderson.
Motion carried.
Bill ordered transmitted to the Senate.

Assembly Bill No. 133.
The following Senate amendment was read:
Amendment No. 504.
Amend section 1, page 1, line 9, by deleting "*any*" and inserting "*certain*".
Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 133.
Remarks by Assemblyman Anderson.
Motion carried by a constitutional majority.
Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Collins moved that Senate Bill No. 201 be taken from the General File and re-referred to the Committee on Ways and Means.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 175, 189, 247, 468, and 531; Senate Bill No. 87.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Kris Templin and Anthony Booth.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Marlene Koppenhaver, Patti Ogren, Charlie Christy, and Karen Cummins.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Segerblom.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Jane Harding and Pete Harding.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Fawn Dixon, Carol Lucey, and Naomi DiMartino.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Purtle.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Thomas and Dave Castleberry.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Wilson, Heather Johnson, and Allison Snyder.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Beverly Mathis and Tya Mathis.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, May 1, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:56 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), May 1, 2003

Assembly called to order at 11:21 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Marlene Wendell.

As this is National Day of Prayer, it is my privilege to lead the Nevada State Assembly in prayer for our President, his Cabinet members, the United States military, members of Congress, our Governor, the members of the Nevada Legislature and staff, and all the good people of the state of Nevada and the United States of America.

Heavenly Father, we come to You, recognizing You are the Most High God, El Elyon in the Hebrew; and You sit on the throne of ultimate authority and power. One word, perhaps more than any other, sums up what the world is searching for these days, security. Everybody wants to feel more secure and free from fear of terrorist attacks, war, chemical and biological weapons threatening whole cities, diseases, and plagues. You, Father God, have given us the answers of how to live in this world with all of its potential dangers and still feel safe and secure.

Although promises of Your protection are echoed many times throughout the pages of the Bible, there is no single passage that captures Your wonderful ability and desire to deliver Your people in times of danger better than Psalm 91: "He who dwells in the secret place of the Most High, shall abide under the shadow of the Almighty. I will say of the Lord, "He is my refuge and my fortress; My God, in Him I will trust."

If we will just believe and act on Your promises spoken to us here in Psalm 91, we will be able to live in total freedom from fear even in the worst of times, no matter what kinds of threats arise around us. On this day, when the whole nation is called to pray for our great country, we make Psalm 91 our declaration of faith. We believe You, Father God, to give wisdom to our President, his advisors, and all of our leaders to make the right decisions that will keep our nation strong.

Thank You for the rich and glorious heritage we have as a country. Let us never forget this is a country founded upon religious freedom and the principles and precepts of Your Word. Let us never forget the thousands upon thousands who shed their blood and gave their lives to protect the freedoms we now have and enjoy. We look to You, the Most High God, to preserve and protect all our citizens and for the continued preservation of our freedom. We ask it all in Your Holy Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 277, 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 224, 269, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 106, 113, 178, 199, 206, 248, 299, 335, 409, 438.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 16.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 407, 493.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Chowning, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Carlton, Amodei, Care, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 17—Recognizing April 15, 2003, as Equal Pay Day in Nevada.

WHEREAS, When the Equal Pay Act, requiring employers to pay all employees equally for equal work, was signed in 1963, women who worked full-time, year-round made 59 cents, on average, for every dollar earned by men, and 40 years later women earn only 76 cents of that dollar as the wage gap closes at an even slower rate, resulting in a change of less than one-half penny per year; and

WHEREAS, According to reports by the Bureau of the Census of the Department of Commerce, the effects of the wage gap on women of color is even greater, with black women earning only 69 cents for every dollar earned by white men, and Hispanic women earning only 56 cents of that dollar; and

WHEREAS, "A New Look Through the Glass Ceiling: Where Are the Women?," a report using data compiled by the General Accounting Office, states that, of the 10 industries surveyed which employ 71 percent of all employed women and 73 percent of all female managers, women who are full-time managers are paid less and advance less often than male managers and that the wage gap between female managers and their male counterparts widened between 1995 and 2000 in 7 of the 10 industries; and

WHEREAS, Many women are the sole support of their families and wage discrimination has a huge impact on their children and the quality of their lives, and it is estimated that America's working families lose $200 billion annually because of wage discrimination; and

WHEREAS, Over a working lifetime, this wage disparity costs the average American woman and her family an estimated $250,000 in lost wages, impacting social security benefits and pensions; and

WHEREAS, Title VII of the Civil Rights Act of 1964 prohibits wage discrimination on the basis of race, color, gender, religion, or national origin, and yet long after the Supreme Court made it clear that Title VII prohibits wage discrimination even when the jobs are not identical, as long as the work is comparable, wage discrimination laws are poorly enforced and cases are extremely difficult to win; and

WHEREAS, Wage discrimination for any reason is detrimental to our sense of justice and fairness and our belief in the American way; and

WHEREAS, While many people claim that the wage gap is the result of differences in education, the Bureau of the Census reports that a white male with a master's degree earns $67,818 per year and a black man with the same education earns only $51,336, with the lowest paid being a similarly educated black woman, who earns only $43,884; and

WHEREAS, The National Committee on Pay Equity, founded in 1979, is a national coalition of over 80 organizations and thousands of men and women from all walks of life who are working to eliminate wage discrimination and to achieve pay equity that will benefit society as a whole when all workers have jobs that pay a fair and equitable wage, enabling them and their families to lead healthy, fulfilling and productive lives; and

WHEREAS, While the costs are minimal to employers, only 3 to 4 percent of payroll costs, pay equity wage adjustments can make a substantial difference in the lives of the persons who are being discriminated against; and

WHEREAS, Every year, Equal Pay Day is marked on a Tuesday in April because, on average, it takes women 7 workdays to earn the same amount that men earn in 5 workdays and 15 months to match the average man's 12-month income; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That April 15, 2003, be recognized as Equal Pay Day; and be it further

RESOLVED, That the public and private employers in Nevada are to be congratulated for lighting the way for other states to follow, with the employers in our State ranking among the highest in the nation in paying their employees equal pay for equal work; and be it further

RESOLVED, That all employers in Nevada, whether public or private, are encouraged to compensate all employees fairly, based on an objective evaluation of their jobs, considering factors such as the skill, effort, responsibility and working conditions required for each job; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Governor Kenny Guinn, to each member of the Nevada Congressional Delegation and to Linda Chavez-Thompson, the Chair of the National Committee on Pay Equity.

Assemblywoman Chowning moved the adoption of the resolution.

Remarks by Assemblywoman Chowning.

Resolution adopted unanimously.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 17 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 18—Directing the Legislative Commission to conduct an interim study of the juvenile justice system in Nevada.

Assemblyman Anderson moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Perkins, Buckley, Hettrick, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber, and Williams:

Assembly Resolution No. 5—Expressing appreciation to the staff of the Assembly and designating May 1, 2003, as Assembly Staff Appreciation Day.

WHEREAS, The Nevada Legislature undertakes an enormous task every 2 years in the performance of its legislative duties on behalf of the residents of Nevada; and

WHEREAS, The smooth and efficient operation of the Nevada Legislature is largely dependent upon the dedication and abilities of the members of its staff; and

WHEREAS, Because the legislative session has been limited to 120 days, many extra demands have been placed on the staff by requiring them to learn and assimilate new skills at an accelerated rate and to process their work even more efficiently; and

WHEREAS, The bill clerks, secretaries, sergeants at arms, and clerical and support staff who serve as attaches of the Assembly have worked diligently and efficiently in their service to the members of the Assembly; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 72nd Session of the Nevada Legislature do hereby express their sincere appreciation and commend the outstanding support staff of the Assembly, which includes Diane Keetch, Lucinda Benjamin, Matthew Baker, Kathryn Fosnaugh, Harle Glover, Jason Hataway, Terry Sullivan, Robin Bates, Heidi Hansen, Beverly Mobley, Andrea Touyarot, Lucas Watson, Jeanne Douglass, Nanita Moore, Kathryn Alden, Lona Domenici, Julie Whitacre, Linda Corbett, Barbara Houger, Nenita Wasserman, Valorie Belknap, Kathryn Oetting, JoAnn Kula, Jerlyn Figearo, Alan Mills, Cecilia G. Colling, Novella Kowallek, Meghan Jenkins, Eric Anderlohr, Reba Coombs, Nykki Kinsley, Cecile Crofoot, Marge Griffin, Joyce Hess, Sheila Sease, Jasmine Shackley, Jackie L. Valley, Connie Davis, Anne Bowen, Catherine Caldwell, Susan Cherpeski, Lila Clark, Linda Smith, Carol J. Thomsen, Cindy Clampitt, Patricia Hughey, Deborah Rengler, June Rigsby, Erin Channell, Kelly Fisher, Theresa Horgan, Victoria Thompson, JoAnn Aldrich, Patricia Blackburn, Sabina Bye,

Nancy Elder, Corey Fox, Mary G. Garcia, Sharee Gebhardt, Nancy Haywood, Carrie Lee, Mary Bean, Toni Bouas, Marylou Burks, Jeanette Connolly, Celeste Gunther, Donna Hancock, Mary Kay Hines-Doherty, Millicent Jorgenson, Merla Keetch, Michelle Kennedy, Yhvona Martin, Carolyn J. Maynick, Toshiko McIntosh, Shawn Morgan, Linda Lee Nary, Ellen Nelson, Linda Paul, Helen Poupeney, Jerry Stacy, Janet Stokes, Claudette J. Thompson, Barbara Urbani, Loretta White, Anne Williams, Maxine Milabar, Stephanie Elliott, Betty Gardner, Bruce Pfeiffer, June Bennett, Kyle T. Wentz, Eddie Cordisco, Jr., Mary Carel, Ken Beaton, Norm Budden, Myron Carpenter, Brandi Colunga, James C. Corbett, John Davis, Jr., Joyce E. Ghiselli, Don Hataway, Juanita Heston, Stephen Honey, Laverne LaFleur, Lois LaHair, Ray Mager, Bob Maynick, Reid Meyer, Jesse N. Pickett, Elizabeth Tetz, Frank Tetz and W. Wayne Willson; and be it further

RESOLVED, That May 1, 2003, is hereby designated as Assembly Staff Appreciation Day in recognition of the dedicated and excellent service the staff of the Assembly has provided to the members of the Assembly and to the residents of this state; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the Assembly staff who is commended in this resolution.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley and Hettrick.

Resolution adopted unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 1, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 33.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 33.

Assemblyman Sherer moved the adoption of the resolution.

Remarks by Assemblyman Sherer.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hettrick, Knecht, Gustavson, Angle, Beers, Andonov, Brown, Carpenter, Christensen, Geddes, Gibbons, Goicoechea, Grady, Hardy, Mabey, Marvel, Sherer, and Weber (Emergency Request of Hettrick):

Assembly Bill No. 545—AN ACT relating to local government employee organizations; revising provisions relating to elections conducted to determine which, if any, employee organization represents a majority of the local government employees in a particular bargaining unit; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 407.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 493.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 3 of the 71st Session.

Bill read second time and ordered to third reading.

Senate Bill No. 107.

Bill read second time and ordered to third reading.

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

Assembly in recess at 12:44 p.m.

ASSEMBLY IN SESSION

At 12:46 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Collins moved that Senate Bill No. 172 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Manendo moved that Senate Bill No. 113 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Manendo.

Motion carried.

Assemblywoman Koivisto moved that Senate Bill No. 84 be taken from the Chief Clerk's desk and placed on the Genera File.

Remarks by Assemblywoman Koivisto.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 475.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 475:

YEAS—42.

NAYS—None.

Assembly Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 488.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 488:

YEAS—42.

NAYS—None.

Assembly Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 65.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 65:

YEAS—42.

NAYS—None.

Senate Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 133:

YEAS—42.

NAYS—None.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 350.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 350:

YEAS—42.

NAYS—None.

Senate Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 395:

YEAS—42.

NAYS—None.

Senate Bill No. 395 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 84, 113, 397, 412, 484; Senate Joint Resolutions Nos. 1 and 2 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to JoAnn Kula, Sabina Bye, Carrie Lee, Deborah Rengler, and Carin Lindloff.

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Maynick, Barbara Urbani, Jeanne Douglass, and Ted Cooper.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Mills.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Reba Coombs, Anne Bowen, Kate Caldwell, Susan Cherpeski, Lila Clark, Connie Davis, Linda Smith, Carol Thomsen, and Maxine Milabar.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Shawn Morgan, Sylvia Samano, and Barb Welling.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Kay Hines-Doherty.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Jeri Figearo and Nanita Moore.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Houger and Heather Branagan.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Hancock.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Valley, Nancy Elder, Bobbie Gang, Margaret McMillan, Lou Emmert, Lisa Foster, and Deborah Thompson.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Paul.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Millie Jorgenson.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Cecile Crofoot and Erin Channell.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Helen Poupeney.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Kennedy.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Lorry White-Peterson.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Marge Griffin and Kelly Fisher.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanette Connolly and Paul Johnson.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Nykki Kinsley, Patricia Blackburn, Corey Fox, Stephanie Elliott, and Sharee Gebhardt.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Bean.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Oetting.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Stacy.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Celeste Gunther and Luke Puschnig.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nenita Wasserman, Cindy Clampitt, June Bennett, Bruce Pfeiffer, and Erin Russell.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to MaryLou Burks, Jennifer Romero, and Rosemary Peters.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Lin Nary and Ken Beaton.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Jasmine Shackley and Terry Horgan.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Cecilia Colling, John Berkich, and Joanne Ray.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Merla Keetch.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Anderlohr, Betty Gardner, Rusty Aldrich, Nancy Haywood, and Pat Hughey.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Yhvona Martin.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Claudette Thompson.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Toni Bouas and Vince Zamora.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Sease.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Belknap, Jeremy Derkovitz, Carol Loeffelholz, Joy Davies, Michael Thompson, Sylvia Cobenga, Mary Haines, Laura Culley, Joseph DeJulius, Jan DeJulius, Karen Forsyther, Dario Grittini, Sean McGowen, Robert Burgy, Alissa Capovilla, Brian Chausmer Jr., Luke Culley, Angelina DeJulius, Zachary DeLeon, Robert Dziuba, Veronica Fumo, Alyssa Gianakoulias, Jenna Giorgione, Meghan Haines, Michael Haupt, Alicia Hoepfner, John Houser, Andrew Leonaggeo, Melissa Marinch, Phillip Miles, Kristyn O'Grady, Rosemary Peters, Sheree Porreca, Eric Reiplinger, Donn Roach, Anthony Torrella, Austin Wasserkrug, Ashley Andrews,

Stephanie Annillo, Taylor Bellinghausen, Thomas Blitsch, Edward Call, Chelsey DeLeon, Lanse DeLara, Timory Dreschler, Jessica Forsythe, Ethan Freeman, Justin Galli, Janilynn Gatpayat, Andrew Gregorka, Cameron Grittini, Natasha Hedrick, Brittany Jojola, Victoria Ledon, Joseph Maglaras, Erik Manthei, Brandin McCrae, Cullen McGowan, Madeline Ocon, George Pecoraro III, Jennifer Romero, Jordan Torrella, and Ronald Memo.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Novella Kowallek and Anne Williams.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Hess, Mary Garcia, and June Rigsby.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Alden, Lona Domenici-Reese, Meghan Jenkins, Abel Carlos, Brian Woodson, Julie Whitacre, Kyle Wentz, Diane Keetch, Lucinda Benjamin, Matthew Baker, Kathryn Fosnaugh, Harle Glover, Jason Hataway, Terry Sullivan, Robin Bates, Heidi Hansen, Beverly Mobley, Andrea Touyarot, and Lucas Watson.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Ellen Nelson.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Toshiko McIntosh, Liane Filkowski, George Winters, David Gelmstedt, Rick Moysh, Steve Cook, Delicia Jernigan, Shasta Brown, Sidney Orndorff, Tana Gurule, Jamie Convis, Jessica Vinson, Jami Harris, Denise Koscinski, Lindsay Hurley, Sandhya Bhakta, Jacquere Lipscomb, Amanda Jackson, and Mollie Bryan.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Stokes.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Corbett and Victoria Thompson.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, May 2, 2003, at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:02 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-NINTH DAY

CARSON CITY (Friday), May 2, 2003

Assembly called to order at 10:56 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Collins, and Geddes, who were excused.

Prayer by the Chaplain, Marlene Wendell.

Heavenly Father, with humble hearts filled with love and gratitude, we come before Your throne of mercy and grace, rejoicing in Your goodness. We ask for Your peace to come upon each and every member of the Nevada Legislature and all the staff, as they are diligently pursuing the highest good for the people of the state of Nevada.

The Apostle Paul wrote in Philippians 4, verse 4 and following, "Rejoice in the Lord always, delight, gladden yourselves in Him; again I say, rejoice. The Lord is near. He is coming soon. Do not fret or have any anxiety about anything, but in every circumstance and in everything by prayer and petition with thanksgiving continue to make your wants known to God. And God's peace, which transcends all understanding, shall garrison and mount guard over your hearts and minds in Christ Jesus, the things which you learned and received and heard, saw in me, these do, and the God of peace will be with you."

You have revealed Yourself throughout Scripture, as Jehovah Shalom, the Lord is Peace. Your shalom means wholeness, security, well-being, prosperity, peace, and friendship, nothing missing and nothing broken in our lives, when we place our trust in You.

Today we release our faith and receive the God-kind of peace, peace that passes all understanding. Thank you, Father God.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 378, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 1, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 52, 82, 119.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 17, Amendment No. 562, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 17.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 410.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 410.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 567.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend the bill as a whole by deleting sections 4 through 6 and renumbering sec. 7 as sec. 2.

Amend the title of the bill to read as follows:

"AN ACT relating to children; authorizing an employee of an agency which provides child welfare services to provide maintenance and special services to certain children under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes employee of agency which provides child welfare services to provide maintenance and special services to certain children under certain circumstances. (BDR 38-690)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 473.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 571.

Amend sec. 3, page 2, lines 35 and 36, by deleting: "~~[Board]~~ *Commission* for financing water projects." and inserting: "Board for Financing Water Projects.".

Amend sec. 7, page 3, line 29, by deleting: "upon passage and approval." and inserting: "on July 1, 2003.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Joint Resolution No. 12.

Resolution read second time.

The following amendment was proposed by the Committee on Constitutional Amendments:

Amendment No. 560.

Amend the resolution, page 2, by deleting lines 12 and 13 and inserting: "years (excepting those elected at said first election ~~[)]~~ *and except as otherwise provided by the Legislature pursuant to subsection 2)* from and including".

Amend the resolution, page 2, by deleting lines 24 through 28 and inserting:

"*2. The Legislature may shorten or lengthen the term of a District Judge as necessary to provide, as nearly as possible, for one-third of the total number of Judges to be elected every 2 years.*".

Assemblyman Mortenson moved the adoption of the amendment.

Remarks by Assemblyman Mortenson.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to third reading.

Senate Bill No. 79.

Bill read second time and ordered to third reading.

Senate Bill No. 224.

Bill read second time and ordered to third reading.

Senate Bill No. 269.

Bill read second time and ordered to third reading.

Senate Bill No. 277.

Bill read second time and ordered to third reading.

Senate Bill No. 337.

Bill read second time and ordered to third reading.

Senate Bill No. 401.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Claborn moved that Senate Bill No. 401 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Joint Resolution 3 of the 71st Session; Senate Bills Nos. 84, 107, 113, 172, 397, 412, 484; Senate Joint Resolutions Nos. 1 and 2 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 17.

The following Senate amendment was read:

Amendment No. 562.

Amend section 1, page 1, line 9, by deleting "~~[,]~~" and inserting "~~[, $75]~~".

Amend section 1, page 2, line 1, by deleting "$75*" and inserting "$100"*.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 17.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 74, 75, 77, 83, 105, 133, 193, 253, 322, 520; Assembly Concurrent Resolution No. 15; Senate Bills Nos. 28, 88, 96, 110, 128, 232, 286, 300, 334; Senate Concurrent Resolution No. 30.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Silva and Anna Pauline Magno.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to E. J. Smith and Betsy Millinger.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Marissa Torres and Holly Hettrick.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Hill and Vaughna Bendickson.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Carmella Gadsen and Derek Valdes.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Solomon, Dollye James, Leonard Green, Yvette Anders, Kenneth Kamae, Cynthia Cruz-Kamae, James Sottile, Tammy Robey, Teresa Hartman, Susan Huff, Kimberly Wharton, Blanca Enriquez, Julie Doyle, Marlen Cruz, Maria Rodriquez, Celilia Turman, Dina Chacon, Allan Jimenez, Jessica Fernandez, Jeremy Ramirez, Daniel Erickson, Deja Ortiz, Juan Espinoza, Daniel Becerra, Desiree Graham, Julio Morales, Erik Vasquez, Chanel Anders, Ana Cruz-Kamae, Pamela Richardson, Steven Sottile, Daniel Green, Tawana Jackson-Jones, Treasure Wright, Marlee Chacon, Cristina Williams, Zackiesha Bgnum, Ava Mims, Alexander Trench, Michael Torres, Kevin Torres, Andrea Enriquez, Kortni Hagg, Garic Wharton, Massiel Lopez Cruz, Felicia Saul, Maria Canela Gomez, Clara Zulbaran, Luis Guerra, Kristen Archuleta, Austin Erickson, To'Wednesday Sibley, Timothy Davis, Luciano Velasquez, Lucas Turman, Ingrid Gonzalez, Kassandra McGrath, Maria Mendiola, Viviany Peiro, and Amielee Leftridge.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 6, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:20 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-THIRD DAY

CARSON CITY (Tuesday), May 6, 2003

Assembly called to order at 11:19 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Stan Friend.

God of strength and gentleness, we are thankful for those who use their power not to exploit others but to defend and protect those who are vulnerable to exploitation. Help our Nevada Legislators to always seek only Your favor and to pass every test of their motives in serving others, as did Your Son, our example. In Your Name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 141, 240, 359, 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 40, 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 13, 16, 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 325, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Vice Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 126, 138, 192, 208, 226, 237, 275, 301, 346, 367, 407, 489; Senate Bill No. 406.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 55, Senate Amendment No. 495, and requests a conference, and appointed Senators Nolan, Washington, and Wiener as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 58, 100.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Carpenter, and Claborn as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 55.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Parks:

Assembly Concurrent Resolution No. 19—Directing the Legislative Commission to conduct an interim study of telecommunication services in this state.

Assemblyman Parks moved that the resolution be referred to the Concurrent Committees on Commerce and Labor, and Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Brown, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Tiffany, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 20—Memorializing former Assemblyman and longtime educator James Edward Smalley, Sr.

WHEREAS, The members of the 72nd Session of the Nevada Legislature join the family and friends, and the residents of his beloved City of Henderson, in mourning the loss of James Edward Smalley, Sr. who died April 5, 2003; and

WHEREAS, Born December 1, 1924, in Peebles, Ohio, James Smalley served as a sergeant in the Army Air Corps and flew 38 missions over Europe during World War II; and

WHEREAS, After the war, James Smalley resumed his education and earned his bachelor's and master's degrees in United States history at Ohio State University; and

WHEREAS, James Smalley, who began his teaching career in Nevada in 1949 at the old Fifth Street School in Las Vegas and who also taught briefly in North Las Vegas, spent most of his years as a teacher in Henderson, where he taught social studies at Burkholder Middle School until his retirement in 1982; and

WHEREAS, Concerns about air and water pollution in the Las Vegas Valley and the increasing need for state funding for education convinced James Smalley to throw his hat into the political ring to pursue his desire to work toward the good of his chosen state; and

WHEREAS, Elected to the Assembly in 1970 and again in 1972, James Smalley served on the Committee on Education, the Committee on Health and Welfare, the Committee on Taxation, and the Committee on Environment and Public Resources; and

WHEREAS, Assemblyman Smalley fought to maintain a clean work environment in the industrial businesses in the State, and the many bills he sponsored for the benefit of the residents of Nevada included legislation that would strengthen the state Office of Consumer Affairs; and

WHEREAS, When talk of consolidation and annexations in Clark County arose in the mid-1970s, James Smalley stood against any action that would swallow up Henderson and vowed to do whatever was needed to maintain Henderson's autonomy and identity; and

WHEREAS, In 2002, James Smalley and his wife Rae, who were both very active in Henderson civic affairs, were named Distinguished Nevadans by the Board of Regents of the University of Nevada in recognition of their contributions to the State; and

WHEREAS, James Smalley is survived by his wife Rae, son Ed Smalley, daughters Alicia Smalley and Esther Cothrun, and seven grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 2003 Nevada Legislature extend their deepest sympathies to the family and friends of James Smalley and to the residents of Henderson who were the primary recipients of the dedication and service of this caring man with a quiet demeanor; and be it further

RESOLVED, That the many people whose education was enhanced in the classrooms of James Smalley will remember and strive to live what he taught in his classes and by the example of his life; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Rae, his loving wife of 57 years.

Assemblyman Brown moved the adoption of the resolution.

Remarks by Assemblymen Brown, Hardy, and Buckley.

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

ASSEMBLYMAN BROWN:

Thank you, Mr. Speaker. It was just last week that we conducted our Floor Session in the old Assembly Chambers in the State Capitol. At that time, we reflected on the Legislature moving into its new building for the start of the 1971 Session. Assemblyman James Smalley was elected in 1970 and was one of ten freshmen members of the Nevada Assembly when it convened for the first time in the new Legislative Building on January 18, 1971.

As today's resolution indicates, Assemblyman Smalley served two terms in the Assembly. He was interested in a number of important issues, including education funding, air and water quality, ensuring a clean work environment in the State's industrial businesses, and strengthening the Office of Consumer Affairs.

When talk arose in the mid-1970s concerning possible consolidations or annexations in Clark County, Jim worked diligently to maintain Henderson's autonomy. Because of the efforts of Jim and others, the city of Henderson was able to maintain its sovereignty. The Henderson community has thrived and continued to grow in a positive manner. When Jim was first elected to the Assembly in 1970, Henderson had a population of 16,395. The 2000 Census showed Henderson's population had reached over 175,381. Henderson is now Nevada's second largest city.

The resolution does not mention that Assemblyman Smalley served as the vice chairman of the Assembly Committee on Taxation for the 1973 Session. During that session, the Taxation Committee addressed a number of significant tax issues, including the Motor Vehicle Fuel Tax, the Special Fuel Tax, the Real Property Transfer Tax, the Vehicle Privilege Tax, and the taxation of agricultural and open space lands. We could certainly use the expertise of Jim Smalley today as we continue to struggle with tax issues.

Jim Smalley was a farsighted individual who knew that big changes were in store for Nevada and he was always looking out for the well-being of others. For example, in 1971, Nevada law prohibited discriminatory employment practices based on a person's race, color, religion, sex, or national origin. Because of the legislation passed that year, which was sponsored by Assemblyman Smalley and Eileen Brookman, persons with visual or physical handicaps were added to that list. Also in 1971, Jim sponsored Assembly Bill 606 in response to increases in the

number of stolen vehicles and certain fraudulent activities related to vehicle sales. That measure, which was passed and signed into law, made it illegal for any person to alter, destruct, or deface the identification numbers on a vehicle or its motor. This was an important early law relating to motor vehicles to protect consumers and prohibit certain practices.

In closing, I would like to quote from a German author, Schiller, who wrote, "He who has done his best for his own times has lived for all times." Jim Smalley always gave his best, for his family, his community, and the State. Nevada is a better place because of Jim Smalley's contributions.

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker. I rise in support of ACR 20. I would be remiss if I did not pay tribute to James Smalley. I would choose to do so by honoring his wife, Rae. I have had the privilege of knowing this couple for about 15 years and have been singularly impressed with the dedication and devotion that Rae, his wife, paid to him. I would have all of us reflect on those of us who have been helped in so many ways by our spouses, and all that they have done for us. I would like to pay tribute to Rae for the dedication and the time she spent during the many years James Smalley's health deteriorated and led to his eventual demise. The small acts that he did in the Assembly were no greater than the small acts that he did with his family. My tribute goes to the family and to his wife, as well as to James Smalley. It is a wonderful family. Thank you, Mr. Speaker.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I, too, rise in support of the resolution. I did not know Mr. Smalley, but I have known and worked with Alicia over the years. It is no surprise to see where she gets her ideals and her commitment to making our State better. She comes by it honestly.

Resolution adopted unanimously.

Assemblyman Brown moved that all rules be suspended and that Assembly Concurrent Resolution No. 20 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Giunchigliani, Geddes, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Gibbons, Goicoechea, Goldwater, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators McGinness, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 21—Declaring that preservation of Walker Lake's freshwater ecosystem is in the public interest.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Transportation:

Assembly Concurrent Resolution No. 22—Commending the Highway Watch program and the planned participation of the Nevada Motor Transport Association in this nationwide effort to improve the safety and security of America's highways.

WHEREAS, Trucking is a large and diverse industry with more than 3 million drivers who are a potential army of eyes and ears to monitor for security threats and highway dangers; and

WHEREAS, There has been a sharp increase in traffic congestion, crime and road rage that make our nation's highways more treacherous and make providing assistance to those in need more challenging than ever before in our history; and

WHEREAS, There are more than 83,000 wireless calls from motorists to emergency centers each day, but many callers do not know their location, particularly at night or during the emotional strain of an emergency situation, and there are more than 41,000 traffic fatalities each year with approximately half of these deaths occurring before victims reach medical care facilities; and

WHEREAS, Highway Watch, which began in Colorado in November 1998, strives to reduce the number of highway accidents, serious injuries and deaths through the identification of unsafe drivers, drunken driving, poor road or weather conditions, poor highway or construction zone signage, and motorists displaying road rage; and

WHEREAS, Highway Watch is a volunteer effort of dedicated professional truck drivers who are committed to guarding the welfare of the motoring public and strengthening the security of the United States in these uncertain times; and

WHEREAS, Through the Highway Watch program, an elite group of professional truck drivers are specially trained to use their wireless location and communication technology to report accidents, breakdowns, hazardous conditions and other highway dangers to an operator who takes the report from the driver and contacts the proper authorities as determined by each individual state; and

WHEREAS, The American Trucking Associations, in partnership with the Federal Motor Carrier Safety Administration of the United States Department of Transportation, administers Highway Watch by providing grant money to participating states; and

WHEREAS, The American Trucking Associations reports that Highway Watch is formed through a network of partnerships, including the trucking industry, law enforcement agencies, and state and federal departments of transportation; and

WHEREAS, The state trucking associations are the heart of the Highway Watch program which is currently operating in Alabama, Arizona, Arkansas, Colorado, Florida, Kansas, Kentucky, Maryland, Minnesota, Mississippi, Montana, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Virginia, Washington, West Virginia and Wisconsin; and

WHEREAS, The Nevada Motor Transport Association is willing to operate the Highway Watch program within this state and establish the basic operational procedures of the program concerning, without limitation, driver qualification, training format, frequency of training sessions, and recruitment of drivers and safety directors; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the American Trucking Associations and the dedicated professional truck drivers participating in Highway Watch are hereby commended for their efforts to improve today's travel environment and to increase the safety and security of the nation's highways; and be it further

RESOLVED, That the Nevada Motor Transport Association is hereby commended for its commitment to take on the responsibility of coordinating and administering the Highway Watch program in our state; and be it further

RESOLVED, That, once it is implemented in Nevada, Highway Watch will make a significant contribution to highway safety and will aid the national effort to monitor potential security concerns; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Daryl E. Capurro, Managing Director of the Nevada Motor Transport Association.

Assemblywoman Chowning moved the adoption of the resolution.

Remarks by Assemblywoman Chowning.

Resolution adopted unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 325 just reported out of committee, be placed at the top of the General File.

Motion carried.

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

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 58.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 100.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 406.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 254.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 574.

Amend section 1, page 1, line 3, by deleting "$667,590" and inserting "$156,500".

Amend section 1, page 1, line 10, by deleting "$308,400" and inserting "$146,800".

Amend section 1, page 2, line 3, by deleting "$44,200" and inserting "$15,000".

Amend section 1, page 2, line 15, by deleting "$66,000" and inserting "$51,880".

Amend section 1, page 2, line 21, by deleting "$49,096" and inserting "$26,000".

Amend section 1, page 2, between lines 31 and 32, by inserting:

"8. There is hereby appropriated from the State Highway Fund to the Motor Carrier Section of the Division of Compliance Enforcement of the Department of Motor Vehicles the sum of $34,000 for Fiscal Year 2002-2003 for an unanticipated shortfall in salaries and revenue. This appropriation is supplemental to that made by section 30 of chapter 570, Statutes of Nevada 2001, at page 2864.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 89.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 523.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as section 1 and adding a new section designated sec. 2, following sec. 2, to read as follows:

"Sec. 2. NRS 178.415 is hereby amended to read as follows:

178.415 1. Except as otherwise provided in this subsection, the court shall appoint two psychiatrists, two psychologists, or one psychiatrist and one psychologist, to examine the defendant. If the defendant is accused of a misdemeanor, the court of jurisdiction shall appoint a psychiatric social worker, or other person who is especially qualified by the Division of Mental Health and Developmental Services of the Department of Human Resources, to examine the defendant.

2. ~~[At]~~ *Except as otherwise provided in this subsection, at* a hearing in open court, the ~~[judge shall]~~ *court that orders the examination must* receive the report of the examination . ~~[and]~~ *If a justice's court orders the examination of a defendant who is charged with a gross misdemeanor or felony, the district court must receive the report of the examination.*

3. The court that receives the report of the examination shall permit counsel for both sides to examine the person or persons appointed to examine the defendant. The prosecuting attorney and the defendant may introduce other evidence and cross-examine one another's witnesses.

~~[3.]~~ *4.* The court *that receives the report of the examination* shall then make and enter its finding of competence or incompetence.".

Amend the title of the bill to read as follows:

"AN ACT relating to criminal procedure; revising the provision governing the time in which the court may order a determination of competency; providing that the district court must determine the competency of a

defendant to stand trial under certain circumstances; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 363.

Bill read second time and ordered to third reading.

Senate Bill No. 378.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 325.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 614.

Amend sec. 10, page 4, line 26, by deleting "*ownership*" and inserting "*title*".

Amend sec. 33, page 16, by deleting line 9 and inserting: "must have in his possession the certificate of ~~[ownership or a bill of~~".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 25.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 25:

YEAS—42.

NAYS—None.

Assembly Bill No. 25 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 6, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 34.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 34.

Assemblyman Carpenter moved the adoption of the resolution.

Remarks by Assemblymen Carpenter, Perkins, Giunchigliani, Anderson, Marvel, and Geddes.

Resolution adopted unanimously.

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

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 12:31 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 473.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 473:

YEAS—42.

NAYS—None.

Assembly Bill No. 473 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:34 p.m.

ASSEMBLY IN SESSION

At 12:38 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 518.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 624.

Amend sec. 2, page 3, by deleting lines 7 through 16 and inserting: "appoint an interim committee to conduct a study of issues relating to the allocation of limousines. The interim committee must be composed of six voting members as follows:

(a) Three members of the Transportation Services Authority; and

(b) Three members who represent certificated owners of limousines in this state. One of the six voting members so appointed must also be appointed as Chairman of the committee.".

Amend sec. 2, page 3, by deleting lines 27 through 33 and inserting:

"3. The Director of the Legislative Counsel Bureau shall provide or cause to be provided to the committee such staff assistance as the Chairman of the committee may determine to be necessary for the committee to carry out its duties.

4. The committee shall, on or before July 1, 2004, submit the results of the study to the Legislative Commission. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.

5. Each member of the committee who is not an officer or employee of the State shall serve without compensation, except that while he is engaged in the business of the committee he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid out of the Transportation Services Authority Regulatory Fund created by NRS 706.1516.

6. Each member of the committee who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may attend meetings of the committee. Such a member shall serve on the committee without additional compensation, except that while he is engaged in the business of the committee he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency which employs him from the Transportation Services Authority Regulatory Fund created by NRS 706.1516.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Joint Resolution No. 3 of the 71st Session.

Resolution read.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 3 of the 71st Session:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 3 of the 71st Session having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 12.

Resolution read.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 12:
YEAS—42.
NAYS—None.
Assembly Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Senate Bill No. 79.
Bill read third time.
Remarks by Assemblywoman Weber.
Roll call on Senate Bill No. 79:
YEAS—42.
NAYS—None.
Senate Bill No. 79 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 84.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Senate Bill No. 84:
YEAS—42.
NAYS—None.
Senate Bill No. 84 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 107.
Bill read third time.
Remarks by Assemblyman Sherer.
Roll call on Senate Bill No. 107:
YEAS—42.
NAYS—None.
Senate Bill No. 107 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 113.
Bill read third time.
Remarks by Assemblyman Knecht.
Roll call on Senate Bill No. 113:
YEAS—42.
NAYS—None.
Senate Bill No. 113 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of Histories of all bills on General File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 172.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 172:

YEAS—42.

NAYS—None.

Senate Bill No. 172 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 224.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 224:

YEAS—42.

NAYS—None.

Senate Bill No. 224 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 269.

Bill read third time.

Remarks by Assemblyman Geddes.

Roll call on Senate Bill No. 269:

YEAS—42.

NAYS—None.

Senate Bill No. 269 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 277.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 277:

YEAS—42.

NAYS—None.

Senate Bill No. 277 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 337.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Senate Bill No. 337:
YEAS—42.
NAYS—None.
Senate Bill No. 337 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 397.
Bill read third time.
Remarks by Assemblywoman Ohrenschall.
Roll call on Senate Bill No. 397:
YEAS—42.
NAYS—None.
Senate Bill No. 397 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 325 just returned from the printer, be placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 325.
Bill read third time.
Remarks by Assemblywoman Buckley.
Roll call on Assembly Bill No. 325:
YEAS—42.
NAYS—None.
Assembly Bill No. 325 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 412.
Bill read third time.
Remarks by Assemblyman Mabey.
Roll call on Senate Bill No. 412:
YEAS—42.
NAYS—None.
Senate Bill No. 412 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 484.

Bill read third time.

Remarks by Assemblymen McCleary, Gustavson, Collins, Grady, and Anderson.

Assemblymen Buckley, Oceguera, and Atkinson moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 484.

Roll call on Senate Bill No. 484:

YEAS—42.

NAYS—None.

Senate Bill No. 484 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 1.

Resolution read.

Remarks by Assemblymen Collins and Angle.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Senate Joint Resolution No. 1:

YEAS—41.

NAYS—None.

NOT VOTING—Angle.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 2.

Resolution read.

Remarks by Assemblymen Carpenter and Angle.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Senate Joint Resolution No. 2:

YEAS—41.

NAYS—None.

NOT VOTING—Angle.

Senate Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 17, 52, 82, 106, 113, 119, 178, 199, 206, 248, 299, 335, 409, 438; Assembly Concurrent Resolutions Nos. 16, 17; Assembly Resolution No. 5; Senate Bills Nos. 65, 133, 350 and 395; Senate Concurrent Resolution No. 33.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Saville, Zackary Borcher, Joanne Borromeo, Brian R. Bunch, Breanna P. Defoe, Sean M. Dinnell, Marissa Fernandez, Shannon M. Garcia, Michael J. Givens, Jacob N. Greene, Elena M. Hawley, Sunhi K. Hesterlee, Karen C. Intong, Jason D. Lewis, Jennifer S. Mavis, Kevin M. Novosel, Benjamin F. Phillips, Christin Reynolds, William L. Squires, Charles A. Stacker, Francisco Amaya, Tyler C. Clawson, Janelle Corbridge, Jeannie A. Erickson, Kristy L. Farson, Mimi G. Ferguson, Kimberly Gonzales, Rory B. Hastings, Phoebe A. Kemp, Julie A. Knapp, Virginia A. Leonard, Bart Miller, Robert D. Morgan, Jonathan Mudaliar, Leah N. Russell, Alish Theofanides, Shawna L. Wall, Holli J. Wilson, and Krystal N. Wilson.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Freddy Gardea and Eddameka Hurd.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Smalley and Brook Arigoni.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Gallagher, Tom Gallagher, Frank Gallagher, and Thomas H. Gallagher.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Ibarra, Carla Jackson, and Amy B. Levine.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Lorna Weaver and Kaitlin Backlund.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Moniqua Johnson and Abony Moore.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Jasmine Coles and Nomeka Draggon.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Joe DiLonardo.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Stewart and Jacori Tatum.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Valles and Norian Williams.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Breeden, Warren Volker, Sandy Koch, Jeff Wrightson, and Carl Allen.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Willfong and Losang DuBois.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Yumika Tatum and Antoinette Turks.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Nichols and Doreen Nichols.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Curtis Jones, Daphanne Thomas, Rhonda Simmons, Virgil Hurde, Stephon Wimberly, Curtis Jones, and Briget Jones.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, May 9, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:18 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-SIXTH DAY

CARSON CITY (Friday), May 9, 2003

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Williams, who was excused.

Prayer by the Chaplain, Reverend Stan Friend.

God of creativity, we acknowledge with wonder the gifts and talents You have given to human beings. Remind us of our obligations to use those gifts for Your purposes and not to waste opportunities to do good. Give divine wisdom to our lawmakers as they use their abilities to serve we, the people, of the State of Nevada. In Your Name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 16, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 54, 140, 450, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 145, 280, 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 73, 315, 383, 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 197, 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 207, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bill No. 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which was referred Senate Bill No. 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 288, 322, 478, 481, 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 392, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

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

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:11 a.m.

Mr. Speaker presiding.

Quorum present.

Mr. Speaker announced that pursuant to Assembly Standing Rule No. 1, Section 2, subsection (d), Assemblywoman Buckley would act as presiding officer

Assemblywoman Buckley presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 6, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 273, 497.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 262, Amendment No. 585, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 20.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 9, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 35.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Joint Resolution No. 15—Urging Congress to provide a comprehensive plan for the coverage of prescription drugs within the Medicare program.

Assemblywoman Giunchigliani moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Giunchigliani.

Motion carried unanimously.

By the Committee on Ways and Means:

Assembly Joint Resolution No. 16—Proposing to amend the Nevada Constitution to provide that a person elected to be State Treasurer shall serve as the ex officio State Controller.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 19 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 19. 1. A secretary of state, a treasurer ~~[, a controller,]~~ and an attorney general, shall be elected at the same time and places, and in the same manner as the governor. The term of office of each shall be the same as is prescribed for the governor.

2. *The treasurer shall serve as the ex officio state controller.*

3. Any elector shall be eligible to any of these offices, but no person may be elected to any of them more than twice, or more than once if he has previously held the office by election or appointment.

And be it further

RESOLVED, That the term of office for any person elected State Controller at the general election conducted in 2006 pursuant to the provisions of Section 19 of Article 5 of the Nevada Constitution, as those provisions existed before the effective date of this act, expires on November 6, 2006.

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

Motion carried.

By Assemblymen Perkins, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber, and Williams; Senators O'Connell, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener (Emergency Request of Speaker Perkins):

Assembly Concurrent Resolution No. 23—Congratulating the City of Henderson upon the celebration of its 50th Anniversary.

WHEREAS, The City of Henderson was "born in America's defense" in an effort to supply the United States War Department with critical magnesium, the "miracle metal," for ammunition and fighter planes to assist the Allies during World War II; and

WHEREAS, In 1947, when vast quantities of magnesium were no longer needed, the United States War Asset Administration actually offered the area now known as Henderson for sale as war-surplus property; and

WHEREAS, In an effort to save the area, the Nevada Legislature spent a weekend visiting Henderson to evaluate the possibility of the State's administration of the Basic Magnesium Plant; and

WHEREAS, Within days of the visit, the Legislators unanimously approved a bill giving the Colorado River Commission of Nevada the authority to purchase the industrial plant, and on

March 27, 1947, Governor Vail Pittman signed the bill which ultimately saved the area from becoming war-surplus property; and

WHEREAS, On April 16, 1953, District Judge A. S. Henderson signed the official incorporation papers creating the City of Henderson, named for United States Senator Charles Belknap Henderson; and

WHEREAS, The City of Henderson originally included approximately 13 square miles with a population of 7,410, and today it encompasses nearly 94 square miles of incorporated land and has a population in excess of 210,000; and

WHEREAS, From its humble beginnings, the City of Henderson today is the second largest city in Nevada and is nationally known for its premier parks, master-planned residential communities and high quality of life, and for the thousands of new residents who move there each year, the City of Henderson is truly "living the American Dream"; and

WHEREAS, The City of Henderson boasts 7 public golf courses, an award-winning parks and recreation system with over 40 developed parks totaling more than 620 acres, senior and recreation centers, ball fields, tennis courts, trails and equestrian parks and 10 aquatic venues throughout the City; and

WHEREAS, With nationally accredited Police and Fire Departments, Henderson has also been recognized as one of the "50 Safest Cities in the United States" by *Money* magazine, one of the 50 most "kid friendly" towns in America and was recently named as one of the best places to retire in America; and

WHEREAS, Educational excellence abounds in the City with its 22 elementary schools, 7 junior high and middle schools, 5 high schools, its own newly created state college and a variety of other public and private institutions; and

WHEREAS, An increasing number of upscale resorts and hotels have also discovered the warmth and charm of the City of Henderson, including the Hyatt at Lake Las Vegas, Sunset Station, the Fiesta, Green Valley Ranch Resort and the newly-opened Ritz Carlton, in addition to the already successful businesses within the City, including Ethel M Chocolates, Levi-Strauss, L'eggs, Ocean Spray and Good Humor-Breyers; and

WHEREAS, What began as a small town in 1953, born of patriotism and pride, has truly blossomed into one of the premier cities in America; and

WHEREAS, The City of Henderson is celebrating its 50th Anniversary throughout 2003 with patriotic events, parades, memorials and other activities commemorating its heritage, tremendous progress and continuing high quality of life for its residents; and

WHEREAS, The City of Henderson, the largest full-service city in Southern Nevada, continues to be a shining example of efficiency and small town values that have helped build and shape this great state; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 72nd Session of the Nevada Legislature do hereby congratulate the City of Henderson on its 50th Anniversary and commend the City for providing and maintaining an outstanding quality of life for its residents while earning the distinction of becoming the fastest growing city in America; and be it further

RESOLVED, That the City of Henderson is hereby urged to continue its tremendous legacy of service to our nation, our state and its residents, and may it continue to grow and flourish as one of the bright stars of success in the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Mayor of the City of Henderson, James B. Gibson, City Council Members Jack Clark, Amanda Cyphers, Andy Hafen, and Steve Kirk and City Manager Phil Speight.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Collins, Griffin, Brown, Chowning, Andonov, and Horne.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you. For a long time, I've told people that I was raised in rural Nevada, because I was raised in Henderson. Quite honestly, during the years that I grew up in that fine city, it was more like rural Nevada. You actually had to drive from Henderson to get somewhere. The cities were not contiguous then. I am standing here with a great deal of pride in the city that I call home and honoring the city that I call home. I have seen the city grow from a small, little place, certainly today not the same place I grew up, in to a very dynamic, very thriving, very prideful city that has accomplished a great deal of things. It is a model in many ways. It certainly is not a city that holds itself out to create divisions amongst itself and other municipalities. It is very, very conclusive with all those groups as well. But just by virtue of the quality of life we find in that fine city, it continues to build upon its own success. Madam Majority Leader, again it's with great pride that I stand today and ask for the adoption of ACR 23.

ASSEMBLYMAN COLLINS:

Thank you, Madam Majority Leader. I can remember when I was a kid riding around the City of Henderson. You went down the Triangle at the bottom and then you went up Boulder Highway to the railroad tracks and the power line, and you traveled that way for a while. All that was above it was the water reservoir. You went down to Highland Hills and down to Lake Mead and you came back down the Triangle; you had been around the town. It has changed a lot. I enjoy walking to Basic Elementary School; the traditions of Industrial Days; the fun we had. It was a great place to grow up. I certainly hope that we all support this resolution and be proud of the many accomplishments that have happened since those fun days. Those fun days continue now on a larger scale and I'm very happy to support this resolution. Thank you.

ASSEMBLYMAN GRIFFIN:

Thank you, Madam Majority Leader. I, too, rise in support of ACR 23. I am very happy to say that for nearly all of my life, I have lived in the state's second largest city. It's only been for the last several of those years that that city has been Henderson. It's been a great place for our family and it's a wonderful community. I am proud to stand here on the Floor and honor this resolution. Thank you.

ASSEMBLYMAN BROWN:

Thank you, Ms. Majority Leader. I, too, rise in support of ACR 23. As a native of southern Nevada, Henderson was always out there. I was born and raised in Las Vegas. My family has been there since 1923. We're proud to be from southern Nevada. Over the last five years, I have been a resident of Henderson and it truly is, as the motto goes, "the place to call home." I'm pleased to support the resolution.

ASSEMBLYWOMAN CHOWNING:

Thank you, Madame Majority Leader. It's a pleasure for me to stand in support of ACR 23. As a young girl, a little girl, growing up in Henderson, I know some people say, "Gee, but you never really grew up." Well, I have grown up and I'm still little. But I grew up in Henderson when it was a very small town and we could go to the movies, we could walk to the movies and walk back and no one ever bothered us. Lots of times, there were free movies and free sing-alongs at Christmas time around the Christmas tree. When I was going to college, when UNLV was NSU, Nevada Southern University, I didn't drive and a lot of people never wanted to give me a ride back to Henderson because it was so far away. Boy, how times have changed. It is because of those strong roots and that small town that I'm proud to be a Nevadan and proud of my roots from Henderson. Thank you.

ASSEMBLYMAN ANDONOV:

Thank you, Madam Majority Leader. I, too, rise in support of ACR 23. I just would like to echo some of the comments that my fellow Henderson delegation has made. I'm very, very proud to represent Henderson. And although I represent some of the newer parts of Henderson, which include Green Valley, Green Valley Ranch, and Sun City, my family has always been affiliated with Henderson in some capacity. So, as the Speaker mentioned, I have seen the city grow and prosper. I am very proud and honored to be able to represent it. I really do think we

have one of the finer mayors in the country, in Henderson; an outstanding city council; and an outstanding city manager. I'm very, very grateful to be a part of that city. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Madam Majority Leader. I rise in support of ACR 23. Growing up in Las Vegas, I never lived in Henderson, but I remember when it was called "Hooterville," by those of us who lived there. It was way out there. Playing football, if we had to go to Basic, you wanted to pack a lunch because it was a long drive to go all the way out there. And also with the National Guard Armor Unit, that's where we drove our tanks around, in the desert, chasing rabbits. I'm pleased to say that it has changed so much. It's been incredible. I'm proud to have been there to witness all of it. I'm pleased to rise in support of ACR 23.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 23 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Chowning, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Carlton, Amodei, Care, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 24—Memorializing casino visionary and philanthropist William Bennett.

WHEREAS, The members of the Nevada Legislature join the people of Nevada in mourning the loss of William Bennett, casino visionary and philanthropist, who passed away on December 22, 2002; and

WHEREAS, William Bennett was born November 16, 1924, in Glendale, Arizona, and after serving as a Navy dive-bomber pilot during World War II, William Bennett returned home to Arizona and built a chain of furniture stores which he sold in 1962; and

WHEREAS, Finding himself bankrupt when his investments were mismanaged by an investment company, William Bennett bounced back by using the opportunity to take his career in a different direction when he was hired by the Del Webb Corporation, an Arizona-based construction company that was expanding into casino operations, and took great pride in the fact that he eventually repaid all his creditors; and

WHEREAS, Transferring to the Sahara Tahoe in 1965, William Bennett worked as a casino host at night and in various hotel departments by day, learning the casino trade, and was quickly promoted to manager of the Sahara Tahoe and later of the Mint, reversing that casino's trend of losing $2 million annually to making $9 million a year; and

WHEREAS, When William Bennett left Del Webb, he and long-standing business partner, Bill Pennington, formed a slot machine leasing business and later leased the troubled Circus Circus in Las Vegas, exercising the option to buy in 1983; and

WHEREAS, In contrast to most of the glamorous, glitzy, high-rolling casinos in Las Vegas at that time, the new Circus Circus added another dimension to the city, making its target demographic the families of the Heartland of America, offering affordable rooms and meals and a family-friendly atmosphere with circus activities and arcades to entertain the children while keeping them out of the gaming area; and

WHEREAS, In 1990, Circus Circus Enterprises, under William Bennett's reign, opened the $300 million Excalibur, followed by the opening of the $375 million Luxor in 1993, and the purchase of the Sahara in 1995; and

WHEREAS, William Bennett, who had a longtime love of auto racing, and Ralph Engelstad, owner of the Imperial Palace, developed the $200 million Las Vegas Motor Speedway, which brought in a new type of tourist, the race fan; and

WHEREAS, While William Bennett's marketing genius made him very successful, with *Forbes* magazine ranking him as one of America's richest men, he avoided the public spotlight and preferred to donate to various charities without seeking recognition, founding the Bennett Foundation to contribute to the needs of his community; and

WHEREAS, Much of William Bennett's generosity was directed at employees of rival casinos, such as when he supplied 3 meals a day 7 days a week for 5 years to striking workers of the Frontier and when he made a generous donation to an association of employees of the Aladdin after the casino was closed because of a management dispute; and

WHEREAS, William Bennett was instrumental in the building of the Temple Beth Sholom and, being an ardent animal rights activist, also gave his support to many animal rights groups; and

WHEREAS, William Bennett had a special place in his heart for education, donating more than $10 million to the University of Nevada, Las Vegas, to build the Lynn Bennett Early Childhood Development Center and the William G. Bennett Professional Development Building which will train teachers to better educate at-risk students; and

WHEREAS, William Bennett is survived by his wife Lynn, daughter Diana Bennett, son William A. Bennett of Las Vegas, stepdaughter Laura Lynn Lucia of Euless, Texas, four grandchildren and two great-grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 72nd Session of the Nevada Legislature offer their sincere condolences to the family and friends of William Bennett; and be it further

RESOLVED, That the effect of William Bennett's vision and generosity will be felt for generations to come; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lynn, the beloved wife of William Bennett.

Assemblywoman Chowning moved the adoption of the resolution.

Remarks by Assemblymen Chowning, Pierce, Mortenson, and Parks.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN CHOWNING:

Thank you, Madam Majority Leader. It is a privilege to honor a beloved Nevadan, William Bennett. When I was a young girl my parents worked in the hotel industry. My husband and daughters have worked in the hotel industry, as well. I feel directly benefited from the generosity of this great man. Not many people have their remembrances written in the Los Angeles Times, but in a recent article it was stated he cut costs everywhere, but he understood his market, middle-class Americans. The regular guy can afford Las Vegas because of guys like Bill Bennett. He brought circus acts to Las Vegas, King Arthur jousting themes, and pyramids on the Las Vegas Strip. He changed the landscape of the Las Vegas Strip. He also changed it for regular families. People felt as though they could drive to Las Vegas and get an affordable room. He even made it known, via advertising, that you don't have to have a reservation, "If you don't have a reservation we will find a room for you." He opened up and changed the gaming atmosphere from high rollers to regular people. This is appreciated. Bill Bennett was the son of a rancher, a WWII veteran, a businessman, husband, father, and philanthropist. Nevada is a better place because of William Bennett. Thank you.

ASSEMBLYWOMAN PIERCE:

Thank you, Madam Majority Leader. I rise in support of ACR 24. There is one point in the resolution that I want to highlight. For five of the six and a half years of the Frontier strike in Las Vegas, three times a day, seven days a week, a food van arrived at the picket line with food

for the strikers. The food was from William Bennett. The Frontier strikers, the Culinary Union, and their families will never forget this extraordinary act of kindness, generosity, and support. I worked on the Las Vegas Strip as a food server for 12 years. I remember Mr. Bennett as a man of great vision and generosity. The Culinary families mourn the passing of this great man.

ASSEMBLYMAN MORTENSON:

Thank you, Madam Majority Leader. I was privileged to know Mr. Bennett personally for quite a number of years. I started out doing some electronics work for him and evidently gained his confidence as I was allowed to do very extensive work in both Circus Circus and the Excalibur Hotel. I did a lot of personal electronics for him. Mrs. Bennett and I flew to California to his house in La Jolla where I did extensive work and was then flown back in his wonderful jet. I remember one particular occasion when Mr. Bennett came to me saying he needed some work done. I told him if I did that I would be divorced because in three days my wife and I were ready to start a month long vacation to South America, in the Amazon. Mr. Bennett said he had to have the work done, and that he made a good friend or a bad enemy. I said, "Mr. Bennett, I choose the former." I worked day and night to get the work done with Mrs. Bennett in La Jolla and was able to go on my vacation. He was a wonderful, generous person. I was destroyed when I heard of his demise. I am glad he is being honored here and I rise in support.

ASSEMBLYMAN PARKS:

Thank you, Madam Majority Leader. I, too, rise in support of ACR 24. I first met Mr. Bennett as an employee at the Mint Hotel. While I didn't know him over the years that followed, I certainly followed what he accomplished. He did many wonderful things to make Nevada a much better community, and of special note, the things he did within my district, which included contributions to make UNLV a much greater institution.

Resolution adopted unanimously.

Assemblywoman Chowning moved that all rules be suspended and that Assembly Concurrent Resolution No. 24 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Perkins, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Pierce, Sherer, Weber, and Williams; Senators Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 25—Designating the week beginning May 10, 2003, as "Tourism Week in Nevada."

WHEREAS, The 20th Annual National Tourism Week will be celebrated May 10 through May 18, 2003, to acknowledge the importance of travel and tourism as a major industry in the United States; and

WHEREAS, Tourism is America's third largest retail sales industry, with $584 billion annual expenditures, and is one of our nation's largest employers, with one out of seven people employed directly or indirectly in that industry in our nation; and

WHEREAS, Tourism is one of our country's largest service exports, with $91.1 billion spent annually by international visitors; and

WHEREAS, Tourism is vital to the growth and economic stability of our nation and our state and, since the tragic events of September 11, 2001, and the subsequent war on terrorism, travel

has become even more important in promoting understanding of other cultures and the exchange of ideas with people of other nations; and

WHEREAS, During 2002, approximately 47.9 million travelers enjoyed the varied pleasures Nevada has to offer, from glittering resorts to small town festivals, from our splendid scenic natural landscapes to our man-made wonders, causing an economic impact for this state of over $35 billion for the year; and

WHEREAS, With approximately one-fifth of all employment in Nevada directly related to the travel and tourism industry, and two-thirds of all employment in Clark County directly or indirectly related to travel and tourism, those Nevadans who proudly serve the industry are widely known for their hospitality and friendliness; and

WHEREAS, Nevada sets the standard for excellence and variety for travelers who want entertainment, night-life, fine dining, beautiful resorts, family-centered activities, gaming establishments and scenic beauty; and

WHEREAS, With more than 175,000 hotel rooms in this state, Las Vegas leads the way with more rooms for travelers than any other city in this country and a reported 15,000 miles of neon tubing, together with more than 60 golf courses designed by golf's greatest players and 18 of the top 20 hotels in this country; and

WHEREAS, For those tourists seeking the more adventurous outdoor experience, our state offers such sports as heli-skiing, mountain biking, hiking, rock climbing, skiing, sandboarding and paragliding, all amidst the most beautiful scenery imaginable; and

WHEREAS, For those seeking a more tranquil experience, Nevada is home to some of the most breathtaking mountain ranges and lakes in the world, where fishing, boating and camping can renew one's spirit; and

WHEREAS, Throughout 2002, 5.8 million people attended conventions and trade shows in the Silver State, with a higher-than-average travel budget exceeding $1,000 per person; and

WHEREAS, Traveling can bring a family closer together, opening up a whole new world of interesting things to do, people to meet and places to go, and can change a child's life by sparking his imagination and curiosity about other cultures and how other people live; and

WHEREAS, From exploring a historic ghost town to meandering through a world-class art museum, attending a cowboy poetry festival or a rodeo, playing a round of golf, watching an international singing star perform or just sitting under the stars staring at a magnificent landscape, a traveler can be taken away from his everyday life by expanding his horizons and experiencing things he might never have done if not venturing out of his own backyard; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature recognize that a healthy travel and tourism industry is essential to the economy of our state and nation; and be it further

RESOLVED, That the members of the Legislature congratulate the hundreds of thousands of Nevadans who are employed in one aspect of the Nevada tourism industry or another and express gratitude for the level of excellence and dedication they contribute toward the success of Nevada's reputation as one of the finest tourist destinations in this country; and

RESOLVED, That the residents of the State of Nevada are each hereby encouraged to recognize and celebrate National Tourism Week by making plans for travel that will refresh the body, intrigue the mind and renew the spirit; and be it further

RESOLVED, That the week beginning May 10, 2003, is hereby designated as "Tourism Week in Nevada"; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Bruce Bommarito, Executive Director of the Commission on Tourism for the State of Nevada.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins and Carpenter.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you. It is an honor for me to support this resolution and offer it to the Body for adoption. Tourism and Nevada go hand in hand. That is something we have all grown up with. We've all known that it's part of the fabric of this great state. It's not something we apologize for. It is something we encourage, something we enjoy; it's something we are very, very proud of. I would like to really highlight one paragraph in the resolution, where it says: "Resolved, that the members of the Legislature congratulate the hundreds of thousands of Nevadans who are employed in one aspect of the Nevada tourism industry or another and express gratitude for the level of excellence and dedication they contribute towards the success of Nevada's reputation as one of the finest tourism destinations in this country." It can't be said better than that, in my opinion. There are so many people that contribute to the success of our tourism industry, making it what it is and making it quite the draw for us, as a state. I think we do owe our gratitude to each and every one of those tourism-based employees, as well as many others, for the hard work they do in creating such an extraordinary destination for all those from all over the world. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Majority Leader. I rise in support of ACR 25. I don't think there is any question that tourism is the heartbeat of rural Nevada, also. This resolution speaks to heli-skiing in Elko County. We have the best heli-skiing in the world. If any of you have the money and the time and the guts, come on up. You'll get a great ride. It also speaks of cowboy poetry. Elko has the granddaddy of all cowboy poetry. It is my honor to rise in support of this resolution. I just hope that the tourists keep coming to rural Nevada.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 25 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Giunchigliani, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Raggio, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 26—Memorializing longtime Nevada attorney and University of Nevada Regent, Joseph M. Foley.

WHEREAS, The members of the 72nd Session of the Nevada Legislature join the residents of Las Vegas and all of Nevada in mourning the death of Joseph M. Foley; and

WHEREAS, Joseph Foley was born in Goldfield, Nevada, on January 31, 1924, the fourth son of Roger T. and Helen Drummond Foley, and moved with his family to California and then, at the age of 4 years, to Las Vegas where he attended Fifth Street Grammar School and graduated from Las Vegas High; and

WHEREAS, During World War II, Joseph Foley served in the Army in North Africa and, upon his return, entered the University of Nevada in Reno in 1946 where he met Betty Bradshaw during his first day on campus; and

WHEREAS, Joseph and Betty were married in 1950 and raised a family of six children in the Foley tradition of service to the community, true to the family motto, "That I may be of service"; and

WHEREAS, After graduation from the University of Nevada, Joseph Foley earned his law degree from the University of San Francisco Law School, was admitted to the State Bar of Nevada in 1951, and practiced law with his brothers for a time in what would be recognized in the late 1950s as the largest law firm in the United States that was comprised entirely of brothers; and

WHEREAS, Joseph Foley served for more than 15 years as a member and chairman of the Administrative Committee of the Nevada State Bar for the Southern Region which handled complaints against lawyers and investigated applicants for admission to the bar; and

WHEREAS, The law practice of Joseph Foley included a list of impressive clients, the most noted of whom was Howard Hughes who was represented by Foley in mining, gaming and real estate matters, and, after the death of Hughes in 1974, Foley was counsel for the Hughes' estate in will contests that gained national attention; and

WHEREAS, Elected to the Board of Regents for the University of Nevada System in 1984 on the promise that he would work to change the image of the University of Nevada, Las Vegas, from a basketball school to a respected center of higher learning, Joseph Foley's 12 years of service on the Board focused on bringing education to at-risk populations of the State and, in an effort to aid rehabilitation and reduce recidivism, to prison populations; and

WHEREAS, The relentless efforts of Joseph Foley to increase the effectiveness of university programs and his belief in the value of higher education were acknowledged in 1997 with his receipt of the UNLV President's Medal; and

WHEREAS, Joseph Foley, known for his very big heart, also gave to his community with involvement in various charitable organizations, such as March of Dimes, United Way and Catholic Welfare of Nevada, and as a top-ranking officer for organizations such as the Benevolent and Protective Order of Elks and the Knights of Columbus; and

WHEREAS, Joseph Foley is survived by his wife, Betty, daughters, Helen Foley, Jeanne Clarke, Kathleen Meyer and Shannon Lyman, sons, Daniel and Patrick and 16 grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 72nd Session of the Nevada Legislature offer their sincere condolences to the family and friends of Joseph M. Foley and extend their gratitude for the many years of public service of Joseph Foley and the entire Foley family; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Betty Foley, Joseph's loving wife for 52 years.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Goldwater, and Ohrenschall.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Madam Majority Leader. I rise in support of this resolution and hope that my colleagues will join me in recognizing and memorializing a statesman who epitomized community service and work ethic throughout his long life. I'm privileged to actually have been the representative of the Foley family, actually several members of the Foley family. Betty and Joe were my constituents. Danny is in the district. Part of the district used to be represented by Helen when she served in these Chambers. The resolution said a great deal about the man, but I think the family that is here today with all of us will really paint the true picture of what Joseph Foley was all about. He was a lawyer, a regent, and a tireless advocate of those less fortunate. Most importantly, he had a strong sense of family and he'll truly be missed by all of them, but I feel that I can say that his spirit lives on through all of them. I see this resolution as a day to celebrate what Joseph Foley did for his community and for the State of Nevada. Welcome his family here. Thank you.

ASSEMBLYMAN GOLDWATER:

Thank you, Madam Majority Leader. May I say, you look lovely up there. I rise in support of ACR 26. It's sad today, because it makes me aware that we continue to lose our greatest generation. Joe Foley was a big part of that generation. He did all the things that generation will

be noted for—fighting in a war, serving his community in a quiet, understated way, always doing what he felt was correct. The Foley family is legendary in Nevada. Everything that is great about our state can be associated with the Foleys. Joe Foley was a great friend to my own father, as was George Foley and Danny Foley, who were particularly kind to him in his later years. I can tell you that will never be forgotten in my mind. There wasn't an institution that I grew up in that wasn't touched by the Foley family, whether it was Gorman High School or UNLV or later, even this Legislature. He was a great man, he will be remembered as such, and his legacy is always being continued and will be for a long time in this state.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Madam Majority Leader. I, too, rise in support of this resolution. I remember when I first came to Las Vegas, and started practicing law in the First National Bank Building, the attorney that we looked at with the greatest admiration was Joe Foley. Definitely I can attest to the fact that Joe Foley and the father of our Chairman of Commerce and Labor were good friends, because I worked for the father of the Chairman of Commerce and Labor. Joe Foley set an example for the Bar, of ethics, study, research, and an absolute willingness to listen to every side of an issue. He didn't decide on a flat, black-and-white rule, with tunnel vision. He listened to everything. It was a real inspiration to work with him on several Bar committees. I urge the Assembly to adopt this resolution.

Resolution adopted unanimously.

Assemblywoman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 26 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Angle, Knecht, Gustavson, Beers, Andonov, Brown, Carpenter, Christensen, Gibbons, Goicoechea, Grady, Griffin, Hardy, Hettrick, Mabey, Marvel, Sherer, and Weber:

Assembly Joint Resolution No. 17—Proposing to amend the Nevada Constitution to prohibit the Legislature from exceeding certain limitations in appropriating or authorizing amounts for expenditure, to provide for the disposition of revenues in excess of the limitations on the amounts that may be appropriated or authorized for expenditure and to authorize a reduction in the tax upon real property if it is paid in a lump sum.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That new sections be added to Article 4, and Section 1 of Article 10 of the Nevada Constitution be amended to read respectively as follows:

Sec. 39. 1. Except as otherwise provided in subsection 2, the Legislature shall not, without the affirmative vote of at least two-thirds of the members elected to each House, appropriate or authorize for expenditure in any fiscal year an amount which exceeds the amount appropriated or authorized for expenditure during Fiscal Year 2002-2003, plus cumulative adjustments for changes in:

(a) Inflation; and

(b) The population of the State.

2. The limitation on expenditures described in subsection 1 does not apply with respect to any revenue that is:

(a) Required to be deposited in a fund to be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways;

(b) Necessary to pay the interest and principal on public debts lawfully contracted by the State;

(c) Generated by contracts of indebtedness lawfully entered into or assumed by or on behalf of the State; or

(d) Received from the Federal Government or received from any person or entity in the form of a gift or a grant.

Sec. 40. 1. Except as otherwise provided in subsection 2, the Legislature shall deposit into the fund established pursuant to Section 41 of this Article any revenues that exceed the limitation on expenditures established pursuant to Section 39 of this Article.

2. If the fund established pursuant to Section 41 of this Article contains an amount of money which is greater than 10 percent of the amount of money contained in the State General Fund, any revenues that exceed the limitation on expenditures established pursuant to Section 39 of this Article must be used to reduce any tax imposed upon motor vehicles by the Legislature in lieu of an ad valorem property tax.

Sec. 41. The Legislature shall provide by law for the creation, as a special revenue fund, of a fund to stabilize the operation of the State Government.

Section 1. 1. The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in section 5 of this article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the state.

10. The legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

11. The legislature may provide by law for a reduction in the tax upon real property if the tax may be paid in installments and the total amount of the tax is paid in a lump sum on or

before the date on which the first installment is due. Any reduction so provided may not be greater than 5 percent of the total amount of the tax that is due.

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

Motion carried.

Senate Concurrent Resolution No. 11.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

Senate Concurrent Resolution No. 35.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywomen Giunchigliani and Gibbons.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Madam Majority Leader. Several months ago we took a few moments to honor former President Ronald Reagan on the occasion of his 90th birthday. Today we honor another former President, Jimmy Carter, who received the Nobel Peace Prize for "his decades of untiring effort to find peaceful solutions to international conflicts, to advance democracy and human rights, and to promote economic and social development."

Jimmy Carter aspired to make government competent and compassionate and responsive to the American people and their expectations. During his tenure he worked hard to combat the continuing economic woes of inflation and unemployment. By the end of his administration he could claim an increase in nearly 8 million jobs and a decrease in the budget deficit, measured in percentage of gross national product. Unfortunately, inflation and interest rates were at near record highs and efforts to reduce them caused a short recession. President Carter could point to a number of achievements in domestic affairs. He dealt with the energy shortage by establishing a national energy policy and by decontrolling domestic petroleum prices to stimulate production. He prompted government efficiency through civil service reform and proceeded with deregulation of the trucking and airline industries. He sought to improve the environment. His expansion of the National Park System included protection of 103 million acres of Alaskan lands. To increase human and social services he created the Department of Education, bolstered Social Security, and appointed record numbers of women, blacks, and Hispanics to government jobs.

The recognition that we do today recognizes that after his tenure, he is one of the few presidents that really committed himself to community service. In 1982 he became the University Distinguished Professor at Emory University in Georgia. He also founded the Carter Center. He actively worked for the Not-For-Profit Center addressing national and international issues. He continues to teach Sunday School on a regular basis and he continues to volunteer one week a year for Habitat for Humanity, an organization that helps needy people in the United States, and other countries, renovate and build homes for themselves.

I would ask us to recognize that once a person has been in the public light, many choose to go away and make a great deal of money. What Jimmy and Rosalynn chose to do was to continue their legacy of service to the community, the United States, and internationally. I hope that you will join me in supporting SCR 35. Thank you.

ASSEMBLYWOMAN GIBBONS:

Thank you, Madam Majority Leader. I rise in support of this resolution. I am from Georgia. When I left Georgia, President Carter was serving the state as Governor. Great leaders come from Georgia. Jimmy Carter was very special to the state of Georgia. I remember when he ran for governor the first time, having already served in the State Senate. He ran against

Lester Maddox, a man who sold ax handles outside of a restaurant, and he lost. When he ran for governor he was considered the more conservative candidate. He became Governor in 1970 when the economy wasn't doing very well in Georgia. He implemented zero-based budgeting and put Georgia in a fiscally responsible state. I am fond of his work for Habitat for Humanity and I am on the board as well. President Carter really made a difference. At 15 years of age, I was the young person who raised the most money for St. Jude Children's Clinic and was invited to the Governor's Mansion to have lunch with him. He was very special. He has done a lot for our country and world, even since he has left the presidency.

Resolution adopted unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 179, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 546—AN ACT making an appropriation to the City of Las Vegas for support of the Youth Athletic Grant Program; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 547—AN ACT making an appropriation to the City of Las Vegas for additional services to child care providers through the Child Care Improvement Grant Program; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the reading of Histories on all bills be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 13.

Bill read second time and ordered to third reading.

Senate Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 599.

Amend section 1, page 1, line 5, before "causes" by inserting: "*maliciously or wantonly*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 600.

Amend sec. 5, page 1, line 18, by deleting "*13*" and inserting "*14*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 48.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 601.

Amend sec. 22, page 4, by deleting lines 3 and 4 and inserting:

"*3. The provisions of this section do not apply if the child custody laws of the foreign country where the child custody determination was made violate*".

Amend sec. 46, page 15, between lines 8 and 9, by inserting:

"*7. The provisions of this section do not apply to an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States which is registered pursuant to NRS 33.090.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 94.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 602.

Amend sec. 2, page 3, by deleting lines 22 through 27.

Amend sec. 2, page 3, line 28, by deleting "*5.*" and inserting "*4.*".

Amend the title of the bill by deleting the fourteenth through nineteenth lines and inserting: "peace officer; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to the Concurrent Committee on Health and Human Services.

Senate Bill No. 141.

Bill read second time and ordered to third reading.

Senate Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 564.

Amend section 1, page 1, line 3, before "*A*" by inserting "*1.*".

Amend section 1, page 1, line 4, after "*provide*" by inserting "*coverage*".

Amend section 1, page 1, line 6, by deleting "*1.*" and inserting "*(a)*".

Amend section 1, page 1, line 8, by deleting "*2.*" and inserting "*(b)*".

Amend section 1, page 1, after line 11, by inserting:

"*2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2003, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with the provisions of this section is void.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive [.] *, and section 1 of this act.*".

Amend sec. 2, page 2, line 3, before "*A*" by inserting "*1.*".

Amend sec. 2, page 2, line 4, after "*provide*" by inserting "*coverage*".

Amend sec. 2, page 2, line 6, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 2, page 2, line 8, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 2, page 2, between lines 11 and 12, by inserting:

"*2. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2003, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with the provisions of this section is void.*".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A policy of health insurance issued by a hospital or medical service corporation that provides coverage for the treatment of colorectal cancer must provide coverage for colorectal cancer screening in accordance with:

(a) The guidelines concerning colorectal cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning colorectal cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2003, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with the provisions of this section is void.".

Amend sec. 3, page 2, line 14, before "*A*" by inserting "*1.*".

Amend sec. 3, page 2, line 16, after "*provide*" by inserting "*coverage*".

Amend sec. 3, page 2, line 18, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 3, page 2, line 20, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 3, page 2, between lines 23 and 24, by inserting:

"*2. An evidence of coverage for a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2003, has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage that conflicts with the provisions of this section is void.*".

Amend the bill as a whole by renumbering sections 4 and 5 as sections 8 and 9 and adding new sections designated sections 6 and 7, following sec. 3, to read as follows:

"Sec. 6. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.170 to 695C.200, inclusive, 695C.250 and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division

of Health Care Financing and Policy of the Department of Human Resources. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 and 695C.1695 *and section 5 of this act* apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 7. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if he finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.170 to 695C.200, inclusive, or 695C.1694, 695C.1695 or 695C.207 ~~[.]~~ *or section 5 of this act;*

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The State Board of Health certifies to the Commissioner that the health maintenance organization:

(1) Does not meet the requirements of subsection 2 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system for complaints required by NRS 695C.260 in a manner reasonably to dispose of valid complaints;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees; or

(j) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may by written order permit such further operation of the organization as he may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.".

Amend sec. 4, page 2, line 26, before "*A*" by inserting "*1.*".

Amend sec. 4, page 2, line 28, after "*provide*" by inserting "*coverage*".

Amend sec. 4, page 2, line 29, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 4, page 2, line 31, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 4, page 2, between lines 34 and 35, by inserting:

"*2. An evidence of coverage for a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2003, has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage that conflicts with the provisions of this section is void.*".

Amend the title of the bill, second line, after "provide" by inserting "coverage".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires certain policies of health insurance and health care plans to provide coverage for colorectal cancer screening under certain circumstances. (BDR 57-726)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 563.

Amend the bill as a whole by adding new sections designated sections 3 through 9, following sec. 2, to read as follows:

"Sec. 3. Chapter 489 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 9, inclusive, of this act.

Sec. 4. *As used in sections 4 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Transferee" means any person who purchases, leases or takes possession in any other manner or attempts to purchase, lease or take possession in any other manner of a manufactured home, mobile home or commercial coach or any interest therein from a transferor.*

Sec. 6. *"Transferor" means any person who:*

1. Sells or leases or attempts to sell or lease a manufactured home, mobile home or commercial coach or any interest therein to a transferee; or

2. Transfers or attempts to transfer a manufactured home, mobile home or commercial coach or any interest therein to a transferee in any other manner.

Sec. 7. *1. Except as otherwise provided in this section and unless required to make a disclosure pursuant to NRS 40.770, if a manufactured home, mobile home or commercial coach is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine, a transferor or his agent who has actual knowledge of such information shall disclose the information to a transferee or his agent.*

2. The disclosure described in subsection 1 is not required if:

(a) All materials and substances involving methamphetamine have been removed from or remediated on the manufactured home, mobile home or commercial coach by an entity certified or licensed to do so; or

(b) The manufactured home, mobile home or commercial coach has been deemed safe for habitation by a governmental entity.

3. The disclosure described in subsection 1 is not required for any sale or other transfer or intended sale or other transfer of a manufactured home, mobile home or commercial coach by a transferor:

(a) To any co-owner of the manufactured home, mobile home or commercial coach, the spouse of the transferor or a person related within the third degree of consanguinity to the transferor; or

(b) If the transferor is a dealer and this is the first sale or transfer of a new manufactured home, mobile home or commercial coach.

4. The Division may adopt regulations to carry out the provisions of this section.

Sec. 8. *1. A transferor or his agent, or both, who violates any provision of section 7 of this act may be held liable to the transferee in any action at law or in equity.*

2. An agent of a transferee who has actual knowledge of any information required to be disclosed pursuant to section 7 of this act may be held liable to the transferee in any action at law or in equity if he fails to disclose that information to the transferee.

3. If a transferor makes a disclosure pursuant to section 7 of this act, the transferee may:

(a) Rescind the agreement to purchase, lease or take possession of the manufactured home, mobile home or commercial coach;

(b) Make the agreement to purchase, lease or take possession of the manufactured home, mobile home or commercial coach contingent upon the repair of any damage to the manufactured home, mobile home or commercial coach that has been caused by the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(c) Accept the manufactured home, mobile home or commercial coach with the damage as disclosed by the transferor without further recourse.

4. The rights and remedies provided by this section are in addition to any other rights or remedies that may exist at law or in equity.

Sec. 9. *The failure of a licensed dealer, rebuilder or salesman to make the disclosure required pursuant to section 7 of this act constitutes grounds for disciplinary action pursuant to NRS 489.381.*".

Amend the title of the bill, ninth line, after "transactions;" by inserting: "requiring certain disclosures to be made to a person who purchases, leases or takes possession of a manufactured home, mobile home or commercial coach if the home or coach has been the site for the manufacture of methamphetamine; providing a penalty;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning disclosure of certain information to purchasers, lessees and tenants of real property, manufactured homes, mobile homes and commercial coaches. (BDR 3-562)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 591.

Amend sec. 3, page 5, by deleting lines 11 through 14 and inserting:

"*3. Any ordinance adopted pursuant to this section must:*

(a) Become effective on the first day of the first calendar quarter beginning not less than 90 days after the adoption of the ordinance; and

(b) If the board has created a regional transportation commission in the county, require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 240.

Bill read second time and ordered to third reading.

Senate Bill No. 266.

Bill read second time and ordered to third reading.

Senate Bill No. 287.

Bill read second time and ordered to third reading.

Senate Bill No. 359.

Bill read second time and ordered to third reading.

Senate Bill No. 396.

Bill read second time and ordered to third reading.

Senate Bill No. 408.

Bill read second time and ordered to third reading.

Senate Bill No. 439.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the action whereby Assembly Joint Resolution No. 16 was referred to the Committee on Constitutional Amendments be rescinded.

Motion carried.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that the action whereby Assembly Joint Resolution No. 17 was referred to the Committee on Constitutional Amendments be rescinded.

Motion carried.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 518 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 13, 16, 254, 516; Assembly Joint Resolution No. 15; Senate Bills Nos. 89, 363, and 378 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 262.

The following Senate amendment was read:

Amendment No. 585.

Amend the bill as a whole by renumbering sec. 6 as sec. 8 and adding new sections designated sections 6 and 7, following sec. 5, to read as follows:

"Sec. 6. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

"Goods" includes, without limitation, a mobile or manufactured home which:

1. Is not affixed to land; or

2. Is affixed to land and sold, leased or offered for sale or lease separately from the land to which it is affixed.

Sec. 7. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, *and section 6 of this act* have the meanings ascribed to them in those sections.".

Amend the title of the bill, eighteenth line, after "homes;" by inserting: "clarifying the applicability of certain statutory provisions regarding deceptive trade practices to a mobile or manufactured home;".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 262.

Remarks by Assemblyman Manendo.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Marion Bond.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce C. Bommarito.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Hilda Warner.

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Wimmer.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to JoAnne Waters.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Bennett and Diana Bennett.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Sue McKnight.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Richard West and April West.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Foley, Grace Foley, Helen Foley, Jeanne Foley Clarke, Kathy Foley Meyer, Shannon Foley Lyman, George Foley, Michael Foley, and Peggy Ryan.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Sally Miller.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Foley and Patrick Foley.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Phyllis Hunewill.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Chandler.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Carr.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Loretta Starbuck.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Sally Miller.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Montgomery, Mary Hutchings, Chris Webb, Cheryl Venturacci, Cindy Wirick, Denice Pinder, Kim Wood, Noel Donahue, Kathleen Openshaw, John Frandsen, Denise Marker, Mya Anderson, Jesse Comstock, Vanessa Evans, Kyle Fillis, Connor Forrest, Jac Grenz, Andrew Hayden, Jeff Hiscock, Riley Leeper, Hannah Little, Jonathan Mangosing, Jill Pinder, Alysen Prockish, Rene´ Ross, Zakkary Thomas, Allie Venturacci, Ty Webb, Kandice Whitaker, Jessica Wirick, Alicia Young, Kayla Dinish, Ryan Donahue, Cody Downs, Sarah Frandsen, Kelsey Harriman, Jessica Hart, Marriah James, Brianna Jetton, Crystal Kontny, Danielle Lane, Michael Lewis, Travis Marker, Katlin Moody, Robyn Openshaw, Eric Orfrecio, Quentin Owens, Dean Presnell, Nathan Slizeski, Keely Wagner, and Michaella Watkins.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Phil Speight.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Moser.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, May 13, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:45 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE-HUNDREDTH DAY

CARSON CITY (Tuesday), May 13, 2003

Assembly called to order at 11:43 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Oceguera, who was excused.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

Good morning. As we come together this morning, first I want to thank you for all the hard work you are doing. We all appreciate it. I want you to hold in your hearts one place in Nevada beyond this room and then I want you to hold in your hearts, with love, one place in the world. Let us pray.

Oh Lord, we confess our day-to-day failure to be human. Oh Lord, we confess to you. We confess that we often fail to love with all we have and are, often because we do not fully understand what loving means and often because we are afraid of risking ourselves. Lord, we confess to you. Lord, we cut ourselves off from each other and we erect barriers of division. Lord, we confess to you. Lord, we confess that by silence and ill-considered word, we have built up walls of prejudice. Lord, we confess that by selfishness and lack of sympathy we have stifled generosity and left little time for others. Holy Spirit, speak to us. Help us to listen to Your word of forgiveness for we are very deaf. Come fill this moment and free us from our sin and all that binds us. We pray for this Body. We pray for Nevada. We pray for our world.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 139, 310, 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 68, 150, 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Joint Resolution No. 5; Senate Bills Nos. 37, 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 542, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 358, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and re-refer to the Committee on Ways and Means.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Commerce and Labor.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 124, 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 105, 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 206, 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 485, 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Joint Resolutions Nos. 3, 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 373, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bill No. 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 355, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 469, 543, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 130, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 257, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 332, 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Senate Bill No. 332 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Manendo moved that Senate Bill No. 446 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 56, 67, 69, 87, 147, 216, 224, 270, 318, 349, 378, 420, 501; Assembly Joint Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 15, Amendment No. 558; Assembly Bill No. 51, Amendment No. 509; Assembly Bill No. 135, Amendment No. 557; Assembly Bill No. 149, Amendment No. 556; Assembly Bill No. 185, Amendment No. 566; Assembly Bill No. 331,

Amendment No. 584; Assembly Bill No. 530, Amendment No. 577, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 22, 23, 24, 25, 26.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 12, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 36, 91, 213, 246, 256, 403, 427; Senate Bill No. 416.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 81, Amendment No. 607; Assembly Bill No. 296, Amendment No. 609, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 247, 314, 371, 409, 457.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 29.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 504 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 392 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 439 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the reading of histories on all Bills and Resolutions be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 504.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 655.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.".

Amend section 1, page 1, by deleting lines 1 and 2 and inserting "Sec. 2.".

Amend section 1, pages 1 and 2, by deleting lines 5 through 11 on page 1 and lines 1 and 2 on page 2, and inserting: "*other related services to persons 65 years of age or older who are not eligible for pharmacy benefits pursuant to Medicaid and whose incomes are not more than 200 percent of the federally designated level signifying poverty.*".

Amend section 1, page 2, by deleting lines 15 through 22 and inserting:

"*3. The Director may:*".

Amend section 1, page 2, by deleting line 27 and inserting:

"*4. Not more than 10 percent of the money received by the*".

Amend section 1, page 2, line 31, by deleting "*6.*" and inserting "*5.*".

Amend section 1, page 2, by deleting lines 35 and 36.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. *1. Except as otherwise provided in this subsection, the Director may apply to the Federal Government for a Medicaid waiver to extend coverage for prescription drugs and other related services to persons with disabilities who have been determined to be eligible for disability benefits from the federal social security system, who are not eligible for pharmacy benefits pursuant to Medicaid and whose incomes are not more than 200 percent of the federally designated level signifying poverty. The Director shall not apply for a waiver pursuant to this subsection unless the Director and the Interim Finance Committee have determined that sufficient funds are available in this state to implement the waiver.*

2. If the Federal Government approves a Medicaid waiver which the Director applied for pursuant to subsection 1, the Director shall adopt regulations to implement the waiver and establish a program in accordance with the waiver, including, without limitation, regulations setting forth criteria of eligibility, the services covered by the program, the amount of any copayment for which a person who receives services pursuant to the program is responsible and any limitation on the number of persons who may receive services pursuant to the program.

3. The Director may:

(a) Administer a program established pursuant to this section through the Division of Health Care Financing and Policy; or

(b) Hire a pharmacy benefits manager by contract to administer a program established pursuant to this section.

4. Not more than 10 percent of the money received by the Department to implement a program established pursuant to this section may be used for administrative expenses or other indirect costs.

5. The Director shall submit a quarterly report concerning:

(a) The progress of the Director toward applying for a waiver pursuant to subsection 1 and establishing a program in accordance with such a waiver that has been approved by the Federal Government; and

(b) Any program established pursuant to this section,

to the Interim Finance Committee and the Legislative Committee on Health Care.".

Amend sec. 2, page 2, line 39, by deleting "*section 1*" and inserting: "*sections 2 and 3*".

Amend sec. 2, page 3, line 2, by deleting "*section 1*" and inserting: "*sections 2 and 3*".

Amend the bill as a whole by deleting sections 3 and 4, renumbering sections 5 and 6 as sections 7 and 8 and adding new sections designated sections 5 and 6, following sec. 2, to read as follows:

"Sec. 5. NRS 218.6827 is hereby amended to read as follows:

218.6827 1. Except as otherwise provided in subsections 2 and 3, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in regular or special session.

2. During a regular session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, and 353.335, paragraph (b) of subsection 4 of NRS 407.0762 and NRS 428.375, 439.620, 439.630, 445B.830 and 538.650 [.] *and subsection 1 of section 3 of this act.* In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chairman of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. During a regular or special session, the Interim Finance Committee may exercise the powers and duties conferred upon it pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive.

4. If the Interim Finance Committee determines that a fundamental review of the base budget of a state agency is necessary, it shall, by resolution, notify the Legislative Commission of that finding for assignment of the review to a legislative committee for the fundamental review of the base budgets of state agencies established pursuant to NRS 218.5382.

Sec. 6. NRS 439.620 is hereby amended to read as follows:

439.620 1. The Fund for a Healthy Nevada is hereby created in the State Treasury. The State Treasurer shall deposit in the Fund:

(a) Fifty percent of all money received by this state pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) Fifty percent of all money recovered by this state from a judgment in a civil action against a manufacturer of tobacco products.

2. The State Treasurer shall administer the Fund. As administrator of the Fund, the State Treasurer:

(a) Shall maintain the financial records of the Fund;

(b) Shall invest the money in the Fund as the money in other state funds is invested;

(c) Shall manage any account associated with the Fund;

(d) Shall maintain any instruments that evidence investments made with the money in the Fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the Fund.

3. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

4. Upon receiving a request from the State Treasurer or the Department for an allocation for administrative expenses from the Fund pursuant to this section, the Task Force for the Fund for a Healthy Nevada shall consider the request within 45 days after receipt of the request. If the Task Force approves the amount requested for allocation, the Task Force shall notify the State Treasurer of the allocation. If the Task Force does not approve the requested allocation within 45 days after receipt of the request, the State Treasurer or the Department, as applicable, may submit its request for allocation to the Interim Finance Committee. Except as otherwise limited by this subsection, the Interim Finance Committee may allocate all or part of the money so requested. The annual allocation for administrative expenses from the Fund, whether allocated by the Task Force or the Interim Finance Committee must not exceed:

(a) Not more than 2 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the State Treasurer to administer the Fund; and

(b) Not more than 3 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department, including, without limitation, the Aging Services Division of the Department, to carry out its duties set forth in NRS 439.625 to 439.690, inclusive. For the purposes of this subsection, the amount of money available for allocation to pay for the administrative costs must be calculated at the beginning of each fiscal year based on the total amount of money anticipated by the State Treasurer to be deposited in the Fund during that fiscal year.

5. The money in the Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.

6. All money that is deposited or paid into the Fund is hereby appropriated to the Department and, except as otherwise provided in paragraphs (c) *,* ~~[and]~~ (d) *and (h)* of subsection 1 of NRS 439.630, may only be expended pursuant to an allocation made by the Task Force for the Fund for a Healthy Nevada. Money expended from the Fund for a Healthy Nevada must not be used to supplant existing methods of funding that are available to public agencies.”.

Amend sec. 5, page 5, lines 6, 12 and 16, by deleting "*1*" and inserting: "*2 or 3*".

Amend sec. 5, page 5, line 38, by deleting "20" and inserting "~~[20]~~ *10*".

Amend sec. 5, page 5, by deleting lines 40 through 42 and inserting: "programs that improve health services for children . ~~[and]~~

(g) Allocate, by contract or grant, for expenditure not more than 7.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve the health and well-being of persons with disabilities.

~~[(g)]~~ *In making allocations pursuant to this paragraph, the Task Force shall, to the extent practicable, allocate the money evenly among the following three types of programs:*

(1) Programs that provide respite for persons caring for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(h) Reserve not more than 2.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to fund in whole or in part any program established pursuant to section 3 of this act. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in administering any program established pursuant to section 3 of this act.

(i) Maximize expenditures through local, federal and private".

Amend sec. 5, page 6, line 1, by deleting "(h)" and inserting "~~[(h)]~~ *(j)*".

Amend sec. 5, page 6, line 4, by deleting "(i)" and inserting "~~[(i)]~~ *(k)*".

Amend sec. 5, page 6, by deleting line 12 and inserting:

"~~[(j)]~~ *(l)* To make the allocations required by paragraphs (e) *, (f)* and ~~[(f):]~~ *(g):*".

Amend sec. 5, page 6, line 20, by deleting "(k)" and inserting "~~[(k)]~~ *(m)*".

Amend sec. 5, page 7, line 7, by deleting "*1*" and inserting: "*2 or 3*".

Amend sec. 5, page 7, line 9, by deleting "or (f)" and inserting: "~~[or (f)]~~ *, (f) or (g)*".

Amend sec. 6, page 7, line 23, by deleting "purchases" and inserting: "~~[purchases]~~ *is issued*".

Amend the bill as a whole by adding new sections designated sections 9 and 10, following sec. 6, to read as follows:

"Sec. 9. Any money allocated pursuant to subsection 1 of NRS 439.630 before July 1, 2004, for programs that improve the health and well-being of persons with disabilities that is unspent and is returned to the Department of Human Resources may be expended by the Department to fund any program established pursuant to section 3 of this act.

Sec. 10. 1. Except as otherwise provided in subsection 2, the provisions of this act become effective on October 1, 2003.

2. The amendatory provisions of section 7 of this act which require the Task Force for the Fund for a Healthy Nevada to allocate for expenditure not more than 10 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve health services for children, to allocate for expenditure not more than 7.5 percent of all revenues deposited in the Fund each year for programs that improve the health and well-being of persons with disabilities, and to reserve not more than 2.5 percent of all revenues deposited in the Fund each year for direct expenditure by the Department of Human Resources to fund any program established pursuant to section 3 of this act become effective on July 1, 2004.".

Amend the title of the bill to read as follows:

"AN ACT relating to health care; requiring the Department of Human Resources to apply to the Federal Government to establish a program to extend coverage for prescription drugs and other related services for certain persons; making various changes concerning the allocation of the money in the Fund for a Healthy Nevada; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning provision of health care services in this state. (BDR 38-1207)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that KLAS-TV 8: Victor Woodall; KNPR NEVADA PUBLIC RADIO: Kyril Pluskon; NEVADA APPEAL: Brad Horan, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 504 just returned from the printer, be placed on the General File.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 287 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

NOTICE OF EXEMPTION

May 12, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 122.

GARY GHIGGERI
Fiscal Analysis Division

By Assemblymen Knecht, Beers, Hettrick, Gustavson, Angle, Andonov, Brown, Carpenter, Christensen, Gibbons, Goicoechea, Grady, Griffin, Hardy, Mabey, Marvel, Mortenson, Sherer, and Weber; Senators Washington, Neal, O'Connell, McGinness, Cegavske, Amodei, Hardy, Nolan, and Wiener:

Assembly Joint Resolution No. 18—Proposing to amend the Nevada Constitution to prohibit the Legislature from exceeding certain limitations in appropriating funds or authorizing funds for expenditure, to provide for the appointment of a nonlegislative body of economic experts and to provide for the disposition of any revenues in excess of the limitations on the amounts that may be appropriated or authorized for expenditure.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That new sections be added to Article 4, and Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 39. 1. Except as otherwise provided in subsection 3, the Legislature shall not, without the affirmative vote of at least two-thirds of the members elected to each House, appropriate or authorize for expenditure in any fiscal year an amount which exceeds the amount appropriated or authorized for expenditure during Fiscal Year 2002-2003, plus cumulative percentage adjustments equal to the cumulative percentage changes in the size of the Nevada economy as measured by the gross state product in current dollars.

2. The Legislature shall provide for the appointment of a nonlegislative body, the members of which must have economic expertise. The appointed body shall determine, for each fiscal year after 2001-2002, the amount, if any, by which the gross state product in current dollars has changed. In making this determination, the appointed body may use reliable estimates and projections, but shall adjust any such determination when better or actual data becomes available.

3. The limitation on expenditures described in subsection 1 does not apply with respect to any revenue that is:

(a) Required to be deposited in a fund to be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways;

(b) Necessary to pay the interest and principal on public debts lawfully contracted by the State;

(c) Generated by contracts of indebtedness lawfully entered into or assumed by or on behalf of the State; or

(d) Received from the Federal Government or received from any person or entity in the form of a gift or a grant.

Sec. 40. 1. Except as otherwise provided in subsection 2, the Legislature shall deposit into the fund established pursuant to Section 41 of this Article any revenues that exceed the limitation on expenditures established pursuant to Section 39 of this Article.

2. If the fund established pursuant to Section 41 of this Article contains an amount of money which is greater than 10 percent of the amount of money contained in the State General Fund, any revenues that exceed the limitation on expenditures established pursuant to Section 39 of this Article must be used correspondingly to reduce state or local taxes.

Sec. 41. The Legislature shall provide by law for the creation, as a special revenue fund, of a fund to stabilize the operation of the State Government.

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

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

3. The Governor shall submit the proposed executive budget to the Legislature not later than 14 calendar days before the commencement of each regular session. *In addition to the expenditures proposed by the Governor, the proposed executive budget must :*

(a) Set forth a budget with a total amount proposed for appropriation and authorization that does not exceed the amount appropriated or authorized for expenditure during Fiscal Year 2002-2003, plus cumulative percentage adjustments equal to the cumulative percentage changes in the size of the Nevada economy as measured by the gross state product in current dollars; and

(b) Include specific identification of items recommended to be cut from the proposed budget set forth pursuant to paragraph (a) to facilitate, if necessary, a reduction of the total proposed budget by 3 percent.

Assemblyman Knecht moved that the resolution be referred to the Committee on Constitutional Amendments.

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

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 12:22 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Knecht withdrew the motion that Assembly Joint Resolution No. 18 be referred to the Committee on Constitutional Amendments.

Assemblyman Knecht moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Gustavson, Angle, Knecht, Beers, Christensen, Claborn, Geddes, Gibbons, Mabey, Mortenson, Sherer, and Weber:

Assembly Joint Resolution No. 19—Proposing to amend the Nevada Constitution to limit the total amount of tax ad valorem on real property and to permit the retention of taxable value on real property until the ownership of the property is transferred.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 6, be added to Article 10 of the Nevada Constitution to read as follows:

Sec. 6. 1. The maximum amount of tax ad valorem that may be levied on real property is 1 percent of the taxable value of the property. This limit does not apply to taxes ad valorem levied to pay the interest and principal of any indebtedness incurred before this section became effective or approved thereafter by two-thirds of the votes cast by voters voting on the question in the taxing district to which it applies.

2. Except as otherwise provided in subsections 3 and 4, the taxable value of real property is the taxable value from which the assessed value for the Fiscal Year 2001-2002 was calculated but, if the property was not appraised or reappraised for that fiscal year, the taxable value determined by appraisal or reappraisal for a subsequent Fiscal Year may be appropriately adjusted to determine the taxable value as of the Fiscal Year 2001-2002.

3. If the ownership of real property is transferred to the extent of one-half or more of the total interest in the property, except a transfer to or between spouses, to or from a separate legal entity of which the transferor is the beneficial owner, or to a child or grandchild of the transferor, the taxable value of the property must be redetermined as of the date of transfer of the property. If new improvements to real property are constructed, except to replace existing improvements destroyed by natural disaster or other casualty, or existing improvements are materially enhanced, the taxable value of the property must be increased by the full cash value of the new improvement or enhancement. If real property is converted to another use, the taxable value of the property must be redetermined after the conversion by appraisal at its full cash value in accordance with the new use of the property.

4. The taxable value of real property must be increased from year to year by the lesser of:

(a) The percent of increase in the Consumer Price Index for All Urban Consumers compiled by the Federal Bureau of Labor Statistics for the preceding calendar year, if that Index increases; or

(b) Two percent.

The taxable value must be decreased from year to year by the percent of decrease in the Consumer Price Index for All Urban Consumers compiled by the Federal Bureau of Labor Statistics for the preceding calendar year, if that Index decreases. The Legislature shall provide by law for another appropriate method of determining a percentage of increase or decrease in the average annual cost of living if the Index specified in this section ceases to be compiled.

5. The Legislature may provide by law the circumstances under which:

(a) An owner domiciled in this state who has attained the age of 62 years may replace his principal residence with another of comparable value and transfer to the new residence the taxable value of the old residence for the purpose of limiting the ad valorem tax on the property.

(b) A new improvement may be constructed, or an existing improvement enhanced, without change in the taxable value of real property if the construction or enhancement is appropriate to protect the safety of the occupants or improve accessibility to the disabled.

(c) An owner whose real property is taken by the exercise of eminent domain may replace that property with property of comparable value and transfer to the new property the taxable value of the old property for the purpose of limiting the ad valorem tax on the property.

6. No tax may be imposed on the sale or other transfer of real property which did not exist on the date this section becomes effective.

And be it further

RESOLVED, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. ~~[The]~~ *Except as otherwise provided in Section 6 of this Article, the* legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in section 5 of this article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the state.

10. The legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

Assemblyman Gustavson moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Senate Concurrent Resolution No. 29.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 247.

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

Motion carried.

Senate Bill No. 314.

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

Motion carried.

Senate Bill No. 371.

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

Motion carried.

Senate Bill No. 409.

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

Motion carried.

Senate Bill No. 416.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 457.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 13.

Resolution read second time.

The following amendment was proposed by the Committee on Constitutional Amendments:

Amendment No. 569.

Amend the resolution, page 2, by deleting lines 21 through 27 and inserting:

"*2. No bills, except those related to the business specified in the petition and those necessary to provide for the expenses of the session, may be introduced at a special session convened pursuant to this section.*".

Amend the resolution, page 2, between lines 35 and 36, by inserting:

"*5. The Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight of the 20th calendar day of that session. Any legislative action taken after midnight on the 20th calendar day is void.*".

Amend the resolution, page 3, line 33, by deleting "*Except*" and inserting "*1. Except*".

Amend the resolution, page 3, by deleting lines 37 through 41 and inserting: "the purpose for which they have been convened . ~~[, and the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.]~~

2. No bills, except those related to the purpose for which the Legislature has been specially convened and those necessary to provide for the expenses of the session, may be introduced at a special session convened pursuant to this section.

3. The Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight of the 20th calendar day of that session. Any legislative action taken after midnight on the 20th calendar day is void.".

Amend the title of the resolution to read as follows:

"ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to limit the duration of special sessions of the Legislature to 20 days, limit the matters which may be considered during a special session and provide that a special session may be convened by a petition signed by two-thirds of the Legislators of each house.".

Amend the summary of the resolution to read as follows:

"SUMMARY—Proposes to amend Nevada Constitution to revise provisions regarding special sessions of Legislature.".

Assemblyman Mortenson moved the adoption of the amendment.

Remarks by Assemblyman Mortenson.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Senate Bill No. 452 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Manendo.

Motion carried.

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

Assembly in recess at 12:29 p.m.

ASSEMBLY IN SESSION

At 12:34 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 16.

Bill read second time and ordered to third reading.

Senate Bill No. 24.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 620.

Amend the bill as a whole by adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 652.190 is hereby amended to read as follows:

652.190 1. A laboratory may examine specimens only at the request of:

(a) A licensed physician;

(b) Any other person authorized by law to use the findings of laboratory tests and examinations; or

(c) If the examination can be made with a testing device or kit which is approved by the Food and Drug Administration for use in the home and which is available to the public without a prescription, any person.

2. Except as otherwise provided in NRS 441A.150, 442.325 and 652.193, the laboratory may report the results of the examination only to ~~[the]~~ *:*

(a) The person requesting the test or procedure*;*

(b) A provider of health care who is treating or providing assistance in the treatment of the patient;

(c) A provider of health care to whom the patient has been referred; and ~~[to the]~~

(d) The patient for whom the testing or procedure was performed.

3. The laboratory report must contain the name of the laboratory.

~~[3.]~~ If a specimen is accepted by a laboratory and is referred to another laboratory, the name and address of the other laboratory must be clearly shown by the referring laboratory on the report to the person requesting the test or procedure.

4. Whenever an examination is made pursuant to paragraph (c) of subsection 1, the laboratory report must contain a provision which recommends that the results of the examination be reviewed and interpreted by a physician or other licensed provider of health care.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on October 1, 2003.".

Amend the title of the bill, third line, after "patients;" by inserting: "revising the provisions regarding reporting of examination results by medical laboratories;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to certain health care records. (BDR 54-178)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 54.

Bill read second time and ordered to third reading.

Senate Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 598.

Amend sec. 3, page 4, line 4, by deleting "Resources." and inserting: "Resources ~~[.]~~ *or a local governmental entity.*".

Amend sec. 3, page 4, line 8, after "6." by inserting: "*Payments received as disability, illness or unemployment benefits.*

7.".

Amend sec. 3, page 4, line 9, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend sec. 3, page 4, line 10, by deleting "8." and inserting "~~[8.]~~ *9.*".

Amend sec. 3, page 4, line 21, by deleting "9." and inserting "~~[9.]~~ *10.*".

Amend sec. 3, page 4, lines 22 and 23, by deleting "$4,500.

10." and inserting: "~~[$4,500.~~

~~10.]~~ *$15,000.*

11.".

Amend sec. 3, page 4, line 27, by deleting "11." and inserting "~~[11.]~~ *12.*".

Amend sec. 3, page 4, lines 31 and 32, by deleting "~~[).]~~

12." and inserting: "~~[).~~

~~12.]~~ *13.*".

Amend sec. 3, page 4, line 36, by deleting "13." and inserting "~~[13.]~~ *14.*".

Amend sec. 3, page 4, line 41, by deleting "14." and inserting "~~[14.]~~ *15.*".

Amend sec. 3, page 5, line 1, by deleting "15." and inserting "~~[15.]~~ *16.*".

Amend sec. 3, page 5, between lines 2 and 3, by inserting:

"*17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.*

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.".

Amend sec. 4, page 5, line 43, by deleting "$3,000" and inserting "~~[$3,000]~~ *$10,000*".

Amend sec. 4, page 6, line 13, by deleting "$4,500" and inserting "~~[$4,500]~~ *$15,000*".

Amend sec. 4, page 7, after line 45, by inserting:

"*(t) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.*

(u) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(v) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as restitution for a criminal act.".

Amend sec. 5, page 8, line 44, by deleting "Resources." and inserting: "Resources ~~[.]~~ *or a local governmental entity.*".

Amend sec. 5, page 9, line 3, after "6." by inserting: "*Payments received as disability, illness or unemployment benefits.*

7.".

Amend sec. 5, page 9, line 4, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend sec. 5, page 9, line 5, by deleting "8." and inserting "~~[8.]~~ *9.*".

Amend sec. 5, page 9, line 16, by deleting "9." and inserting "~~[9.]~~ *10.*".

Amend sec. 5, page 9, lines 17 and 18, by deleting "$4,500.

10." and inserting: "~~[$4,500.~~

~~10.]~~ *$15,000.*

11.".

Amend sec. 5, page 9, line 22, by deleting "11." and inserting "~~[11.]~~ *12.*".

Amend sec. 5, page 9, lines 26 and 27, by deleting "~~[).]~~

12." and inserting: "~~[).~~

~~12.]~~ *13.*".

Amend sec. 5, page 9, line 31, by deleting "13." and inserting "~~[13.]~~ *14.*".

Amend sec. 5, page 9, line 36, by deleting "14." and inserting "~~[14.]~~ *15.*".

Amend sec. 5, page 9, line 39, by deleting "15." and inserting "~~[15.]~~ *16.*".

Amend sec. 5, page 9, between lines 40 and 41, by inserting:

"*17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.*

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.".

Amend the title of the bill to read as follows:

"AN ACT relating to property; increasing the amount of the homestead exemption; exempting from execution a greater amount of equity in certain dwellings; making various other changes concerning benefits and property

which are exempt from execution; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning property exempt from execution. (BDR 10-15)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 73.

Bill read second time and ordered to third reading.

Senate Bill No. 90.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Senate Bill No. 112 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Manendo.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 140.

Bill read second time and ordered to third reading.

Senate Bill No. 145.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Senate Bill No. 179 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 518 be taken from the Chief Clerk's desk and placed on the General File before Senate Bill No. 13.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 197.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 618.

Amend sec. 156, page 59, line 42, by deleting "*Do*" and inserting: "*Except as otherwise provided in section 161 of this act, do*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 699.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.".

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Sec. 2. *1. Except as otherwise provided in subsection 3, a person*".

Amend section 1, page 2, by deleting lines 1 and 2.

Amend section 1, page 2, line 3, by deleting "*(d)*" and inserting "*(c)*".

Amend section 1, page 2, line 5, by deleting "*(e)*" and inserting "*(d)*".

Amend section 1, page 2, by deleting lines 18 and 19.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 4 through 7 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. *1. Upon written application, the sheriff of any county may issue a permit authorizing a person whose place of business is located in that county to manufacture or to keep, offer or expose for sale switchblade knives if the person demonstrates good cause for such authorization.*

2. Before issuing a permit, the sheriff shall request the board of county commissioners to hold a public hearing concerning the issuance of the permit.

3. If the sheriff issues a permit which authorizes a person to sell switchblade knives, the permit must provide that switchblade knives may be sold only to:

(a) A person in another state, territory or country;

(b) A person who is authorized by law to possess a switchblade knife in this state, including, without limitation, any sheriff, constable, marshal, peace officer and member of the Armed Forces of the United States when on duty; and

(c) A distributor who has been issued a permit pursuant to this section.".

Amend sec. 4, page 3, line 5, after "~~[or]~~" by inserting: "*and section 3 of this act,*".

Amend sec. 4, page 3, line 15, by deleting "*silencer;*" and inserting: "*silencer, unless authorized by federal law;*".

Amend sec. 4, page 5, line 7, after "mechanism." by inserting: "*The term does not include a knife which has a blade that is held in place by a spring if the blade does not have any type of automatic release.*".

Amend the title of the bill to read as follows:

"AN ACT relating to weapons; prohibiting the sale or disposition of firearms or ammunition to certain persons; authorizing certain persons to manufacture and sell switchblade knives under certain circumstances; prohibiting possession of a firearm on which the serial number has been intentionally changed, altered, removed or obliterated; revising the provisions pertaining to possession of a firearm by certain persons; making various other changes to the provisions pertaining to firearms; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning the sale, disposition, manufacture and possession of weapons. (BDR 15-331)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 619.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 28 as sections 1 through 27.

Amend sec. 4, page 2, line 44, by deleting "*3*" and inserting "*2*".

Amend sec. 15, page 8, line 41, by deleting: "16 and 17" and inserting: "15 and 16".

Amend sec. 19, page 10, line 12, by deleting "*before*" and inserting: "*within 60 days after*".

Amend sec. 20, page 10, line 16, by deleting: "21 and 22" and inserting: "20 and 21".

Amend sec. 24, page 11, line 39, by deleting "*14*" and inserting "*13*".

Amend sec. 25, page 12, line 31, by deleting "*14*" and inserting "*13*".

Amend sec. 26, page 13, line 5, by deleting "*14*" and inserting "*13*".

Amend sec. 27, page 13, line 25, by deleting "*14*" and inserting "*13*".

Amend the title of the bill by deleting the first through third lines and inserting:

"AN ACT relating to distribution of estates; extending the statute of".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning wills and estates. (BDR 10-940)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 280.
Bill read second time and ordered to third reading.

Senate Bill No. 288.
Bill read second time and ordered to third reading.

Senate Bill No. 297.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 626.
Amend sec. 22, page 7, line 37, by deleting "*2006.*" and inserting "*2008.*".
Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 315.
Bill read second time and ordered to third reading.

Senate Bill No. 317.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 653.
Amend sec. 8 by deleting lines 20 through 45 on page 4 and lines 1 through 13 on page 5 and inserting:
"Sec. 8. (Deleted by amendment.)".
Amend the bill as a whole by renumbering sections 15 through 17 as sections 16 through 18 and adding a new section designated sec. 15, following sec. 14, to read as follows:
"Sec. 15. NRS 211.240 is hereby amended to read as follows:
211.240 1. ~~[The]~~ *Except as otherwise provided in subsection 2, the* sheriff with respect to a county jail, or the officer in charge with respect to a city jail, may apply to the ~~[presiding judge, or to the judges jointly if there is no presiding judge,]~~ *chief judge of the judicial district* for authority to release prisoners pursuant to the provisions of this section. *After considering the application, the chief judge may enter an order consistent with the provisions of this section granting authority to release prisoners in the manner set forth in the order.* The duration of this authority , if granted , must not exceed 30 days.
2. *In a county in which there is not a city jail, the sheriff may apply to the chief judge of the judicial district for authority to release prisoners pursuant to the provisions of this section. Upon receipt of such an application, the chief judge shall consult with a justice of the peace designated by the justices of the peace for the county and a judge designated by the municipal courts for the county. After the consultation, the chief judge may enter an order consistent with the provisions of this section granting authority to release*

prisoners in the manner set forth in the order. The duration of this authority, if granted, must not exceed 30 days.

3. At any time within the duration of an authority granted when the number of prisoners exceeds the number of beds available in the jail, the sheriff or other officer in charge may release the lesser of:

(a) The number of prisoners eligible under this section; or

(b) The difference between the number of prisoners and the number of beds.

~~[3.]~~ *4.* A prisoner is eligible for release only if:

(a) He ~~[is serving a sentence of fixed duration and has already served at least 90 percent of the sentence after deduction of any credit; and~~

~~(b) His sentence would expire or he would otherwise be released within 5 days.~~

~~4.]~~ *has served at least 75 percent of his sentence;*

(b) He is not serving a sentence for a crime for which a mandatory sentence is required by statute;

(c) He is not serving a sentence for a crime which involved an act of violence; and

(d) He does not pose a danger to the community.

5. Among prisoners eligible, priority must be given to those whose expiration of sentence or other release is closest.

6. A prisoner released pursuant to this section may be required to remain on residential confinement for the remainder of his sentence or may be required to participate in another alternative program of supervision.".

Amend the title of the bill, twentieth line, after "offender;" by inserting: "revising the provisions governing the manner in which prisoners may be released from jail when the jail becomes overcrowded;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to the Concurrent Committee on Education.

Senate Bill No. 322.

Bill read second time and ordered to third reading.

Senate Bill No. 383.

Bill read second time and ordered to third reading.

Senate Bill No. 405.

Bill read second time and ordered to third reading.

Senate Bill No. 424.

Bill read second time and ordered to third reading.

Senate Bill No. 432.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 625.

Amend sec. 1.7, page 2, line 10, by deleting "*an*" and inserting "*a complete*".

Amend sec. 1.7, page 2, line 11, by deleting "*a*" and inserting "*the*".

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

"Sec. 6.5. NRS 463.302 is hereby amended to read as follows:

463.302 1. Notwithstanding any other provision of law and except as otherwise provided in this section, the Board may, in its sole and absolute discretion, allow a licensee to move the location of its establishment and transfer its restricted or nonrestricted license to:

(a) A location within a redevelopment zone, if the redevelopment zone is located in the same local governmental jurisdiction as the existing location of the establishment; or

(b) Any other location, if the move and transfer are necessary because the existing location of the establishment has been taken by the state or a local government through condemnation or eminent domain.

2. The Board shall not approve a move and transfer pursuant to subsection 1 unless, before the move and transfer, the licensee receives all necessary approvals from the local government having jurisdiction over the location to which the establishment wants to move and transfer its license.

3. Before a move and transfer pursuant to subsection 1, the Board may require the licensee to apply for a new license pursuant to the provisions of this chapter.

4. The provisions of subsection 1 do not apply to an establishment that is:

(a) A resort hotel; or

(b) Located in *, or will be relocated to,* a city *or county* which has established one or more gaming enterprise districts.".

Amend sec. 7, page 5, by deleting lines 12 and 13 and inserting: "*notice received by a licensee must be mailed or delivered to the Board within 5 business days of receipt unless the date is administratively extended by the Chairman of the Board for good cause. A licensee is not responsible for the accuracy or completeness of any application for registration or renewal of registration as a gaming employee or any change of employment notice.*".

Amend sec. 7, page 6, line 10, by deleting "*an*" and inserting "*a complete*".

Amend sec. 7, page 11, by deleting lines 18 through 30.

Amend the bill as a whole by adding a new section designated sec.19.5, following sec. 19, to read as follows:

"Sec. 19.5. NRS 171.1235 is hereby amended to read as follows:

171.1235 1. As used in this section:

(a) "Establishment" means any premises whereon any gaming is done or any premises owned or controlled by a licensee for the purpose of parking motor vehicles owned or operated by patrons of such licensee.

(b) "Licensee" has the meaning ascribed to it in NRS 463.0171.

2. Any licensee or his officers, employees or agents may take into custody and detain any person when ~~[:~~

~~(a) Such person has committed a felony, whether or not in the presence of such licensee or his officers, employees or agents; or~~

~~(b) A felony has been committed, and]~~ such licensee ~~[,]~~ *or* his officers, employees or agents have reasonable cause to believe ~~[such]~~ *the* person *detained has* committed ~~[it.]~~ *a felony, whether or not in the presence of such licensee or his officers, employees or agents.*

3. Detention pursuant to this section shall be in the establishment, in a reasonable manner, for a reasonable length of time and solely for the purpose of notifying a peace officer. Such taking into custody and detention shall not render the licensee or his officers, employees or agents criminally or civilly liable for false arrest, false imprisonment, slander or unlawful detention unless such taking into custody and detention are unreasonable under all the circumstances.

4. No licensee ~~[,]~~ or his officers, employees or agents are entitled to the immunity from liability provided for in this section unless there is displayed in a conspicuous place in his establishment a notice in boldface type clearly legible and in substantially this form:

Any gaming licensee ~~[,]~~ or his officers, employees or agents who have reasonable cause to believe that any person has committed a felony may detain such person in the establishment for the purpose of notifying a peace officer.".

Amend sec. 24, page 20, line 28, after "2." by inserting: "Section 7 of this act becomes effective upon passage and approval for purposes related to the adoption and dissemination of regulations by the Nevada Gaming Commission and on January 1, 2004, for all other purposes.

3.".

Amend sec. 24, page 20, by deleting lines 30 and 31 and inserting:

"4. Sections 6, 6.5 and 19.5 of this act become effective on October 1, 2003.

5. Sections 1.3, 1.7, 5, 8 to 14, inclusive, and 20 to 23,".

Amend the title of the bill by deleting the fourth through sixteenth lines and inserting: "purchase such an interest; authorizing the Nevada Gaming Commission to adopt regulations prescribing the manner for submission of payments by licensees; revising the provision pertaining to the relocation of a gaming establishment; requiring a person employed as a gaming employee to be registered as a gaming employee by the State Gaming Control Board; requiring the Board to investigate each person applying for registration or renewal of registration as a gaming employee; providing for a fee for processing an application for registration as a gaming employee; authorizing the Commission to adopt regulations allowing a person who owns antique gaming devices to sell such devices without procuring a license; authorizing a gaming licensee or his officers, employees or agents who have reasonable

cause to believe that a person has committed a felony to take into custody and detain such a person; and providing other matters properly relating".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

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

Assembly in recess at 1:06 p.m.

ASSEMBLY IN SESSION

At 1:07 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 434.

Bill read second time and ordered to third reading.

Senate Bill No. 450.

Bill read second time and ordered to third reading.

Senate Bill No. 465.

Bill read second time and ordered to third reading.

Senate Bill No. 467.

Bill read second time and ordered to third reading.

Senate Bill No. 469.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 640.

Amend sec. 2, page 2, by deleting lines 40 through 42 and inserting: "change in the population of the local government ~~[for the fiscal year immediately preceding the year in which the allocation is made and the 4]~~ *over the 5* fiscal years immediately preceding the year in which the".

Amend sec. 2, page 3, by deleting lines 9 through 11 and inserting: "percentage of change in the population of the local government ~~[for the fiscal year immediately preceding the year in which the allocation is made and the 4]~~ *over the 5* fiscal years immediately preceding the".

Amend sec. 2, page 3, line 36, by deleting "5" and inserting: "~~[5]~~ *year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4*".

Amend sec. 2, page 3, line 43, by deleting "5" and inserting: "~~[5]~~ *year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4*".

Amend sec. 2, page 4, by deleting lines 29 and 30 and inserting: "*the local government over the 5 fiscal years*".

Amend sec. 2, page 5, line 11, by deleting "*5*" and inserting: "*year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4*".

Amend sec. 2, page 5, by deleting lines 41 and 42 and inserting: "*the local government over the 5 fiscal years*".

Amend sec. 2, page 6, by deleting lines 21 and 22 and inserting: "*the county over the 5 fiscal years immediately*".

Amend sec. 2, page 6, line 29, by deleting "*5*" and inserting: "*year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4*".

Amend sec. 3, page 9, by deleting lines 43 and 44 and inserting: "local government ~~[for the fiscal year immediately preceding the year in which the allocation is made and the 4]~~ *over the 5* fiscal years immediately".

Amend sec. 3, page 10, line 23, by deleting "5" and inserting: "~~[5]~~ *year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4*".

Amend sec. 3, page 11, by deleting lines 9 and 10 and inserting: "*the local government over the 5 fiscal years*".

Amend sec. 3, page 11, line 36, by deleting "*5*" and inserting: "*year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4*".

Amend sec. 3, page 12, by deleting lines 21 and 22 and inserting: "*the local government over the 5 fiscal years*".

Amend sec. 3, page 13, by deleting lines 2 and 3 and inserting: "*the county over the 5 fiscal years immediately*".

Amend sec. 3, page 13, line 10, by deleting "*5*" and inserting: "*year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4*".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 470.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 641.

Amend sec. 4, page 2, by deleting line 29 and inserting: "*by the city in a county whose population is less than 100,000.*".

Amend sec. 5, page 3, line 23, by deleting "airport," and inserting: "airport ~~[,]~~ *located in a county whose population is less than 400,000,*".

Amend the title of the bill to read as follows:

"AN ACT relating to taxation; authorizing cities that own or operate airports in certain counties to impose certain taxes on aviation fuel and fuel for jet or turbine-powered aircraft; revising the method for the distribution of and certain restrictions on the expenditure of the proceeds of certain taxes on aviation fuel and fuel for jet or turbine-powered aircraft; and providing other matters properly relating thereto.".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 478.

Bill read second time and ordered to third reading.

Senate Bill No. 481.

Bill read second time and ordered to third reading.

Senate Bill No. 482.

Bill read second time and ordered to third reading.

Senate Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 627.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. NRS 439.100 is hereby amended to read as follows:

439.100 1. The Director shall appoint a State Health Officer.

2. The position of State Health Officer must be filled by the Director within 6 months after it becomes vacant, except that if a qualified applicant does not accept the position within that period, the Director shall continue his efforts to fill the position until a qualified person accepts the appointment.

3. The State Health Officer is in the unclassified service of the State and serves at the pleasure of the Director.".

Amend the title of the bill, second line, after "qualifications" by inserting "and appointment".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Assemblywoman Koivisto moved that upon return from the printer Senate Bill No. 332 be re-referred to the Committee on Commerce and Labor.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Committee on Commerce and Labor.

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

Assembly in recess at 1:13 p.m.

ASSEMBLY IN SESSION

At 1:15 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblywoman Buckley moved that Assembly Bill No. 504 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblywoman Buckley moved that the action whereby Senate Bill No. 416 was referred to the Committee on Natural Resources, Agriculture, and Mining be rescinded.
Motion carried.
Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 504.
Bill read third time.
Remarks by Assemblymen Buckley and Hardy.
Roll call on Assembly Bill No. 504:
YEAS—41.
NAYS—None.
EXCUSED—Oceguera.
Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:21 p.m.

ASSEMBLY IN SESSION

At 1:22 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 13, 16, 254, 267, 516; Assembly Joint Resolution No. 15; Assembly Bill No. 518; Senate Bills Nos. 13, 40, 43, 48, 89, 141, 183, 204, 237, 240, 266, 359, 363,

378, 396, and 408 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Gibbons requested that the following proclamation be entered in the Journal.

PROCLAMATION RECOGNIZING PAUL J. IVERSON

WHEREAS, Paul J. Iverson gave over 30 years of service to the State of Nevada; and

WHEREAS, Paul began his career as a fifth grade teacher, later serving as coordinator of the science curriculum for the Clark County School District, and always retained an interest in helping children learn about science and nature; and

WHEREAS, As Deputy Director for the Department of Minerals, Paul established Mineral Education Workshops, a program that has helped thousands of Nevada teachers better understand the mineral industry and the resources of our state; and

WHEREAS, Paul helped hundreds of small prospectors and miners complete applications for state and federal permits, thereby contributing to the development of our state's mineral wealth; and

WHEREAS, Paul was appointed by Governor Bob Miller in 1995 to serve as Administrator of the Division of Agriculture, and later became Director of the State Department of Agriculture in 1999, and served in that position for four years; and

WHEREAS, In that position, Paul helped to deal with crises involving invasive species such as Africanized Honey Bees and Fire Ants and established the Interagency Noxious Weeds Action Committee; and

WHEREAS, Paul initiated the Wild Horse Gentling Program in cooperation with the Warm Springs Prison Facility, allowing prisoners to help tame and train wild horses; and

WHEREAS, Paul promoted consumer protection and fairness in the marketplace, developing the Division of Measurement Standards and the Bureau of Petroleum Technology; and

WHEREAS, Paul promoted Nevada agriculture by establishing a position for agriculture promotion and marketing in the department; and

WHEREAS, Paul gave agriculture new prominence within the public schools through the Teachers' Workshop Program, training more than 300 teachers in the Clark County School District in agriculture education; and

WHEREAS, Paul was an ardent supporter of high school rodeo in Nevada; and

WHEREAS, Paul represented Nevada as a member and Vice President of the National Association of State Departments of Agriculture, a member of the Animal and Plant Industries Committee and the Interagency Noxious Weeds Committee, and President of the Western Association of State Departments of Agriculture; and

WHEREAS, Paul was a tireless advocate for Nevada agriculture and mining, both in the Legislature and in negotiations with federal agencies; and

WHEREAS, Paul was a compassionate and inspiring boss, a devoted husband and father, and an enthusiastic Little League coach; now, therefore, be it

PROCLAIMED, That Paul Iverson will be remembered and missed by his family, his colleagues, his many friends, and the members of the Nevada Legislature with whom he worked for so many years; and now, therefore, be it further

PROCLAIMED, That Tuesday, May 13, 2003, is set aside as Paul Iverson Day and dedicated to the memory of this devoted public servant and his many contributions to the welfare of the people of Nevada.

Dated this 13th day of May 2003.

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

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I met Paul Iverson when I came back for the 1997 Session. I met him outside as I was walking along the sidewalk. We started talking about the things that go on with this state. I ask that everyone remember his family and the many things he has done for us as was read in the proclamation. He developed a program that not only gathered surplus horses but also brought them to a prison facility and allowed inmates to have something to do, allowed them to gentle animals and learn a discipline and a patience that's needed in society and in life. It's an interesting thing to know that Paul used to be a schoolteacher in Clark County for several years. He helped with curriculum development for kids in Clark County. There are so many things he's done over the years.

He was a real good friend of mine and our former colleague, John Lee, that used to serve in this Legislature, as well as many, many other people who are here to recognize him. He shared interesting pictures from some of the adventures he's had throughout the state, working with people, with livestock, with agriculture, with noxious weeds, with the horse issues we have with the drought and the grazing—there are so many things that he's addressed and helped do.

I hope we can appreciate the dedication of the man. He came down here, while he was sick, to go to our meetings to support Nevada and Nevada issues. He's always been for education, for people to live together and work together and understand the many multiple issues we have, out in the soil and out in the air outside, and how important it is to us to know what Nevada is all about. He's brought programs to this state; he's brought a tremendous amount of credibility to the Department of Agriculture. He helped remove it from consolidation to its own department, away from a division. He's helped so many of us, in so many ways. I hope that we all support this proclamation and recognize him and his family here today.

ASSEMBLYMAN GEDDES:

Thank you, Mr. Speaker. In addition to what's in the proclamation, I want to say that I had the privilege of working for Paul Iverson. He hired me when I was out looking for work. He promoted me to be the bureau chief of the Petroleum Technology Division. In doing so, he was directly responsible for me being here today. He got me involved in politics and rule-making and dealing with the Nevada Administrative Code and coming down before you last session, presenting bills that dealt with the Petroleum Technology Division. He got me excited about being part of this process. He was supportive all along the way. I know many agency directors and administrators come down and do their bills or they have someone in their department or their division bring their bills forward. When we had a change that we wanted to bring forward, Paul stood up and said, "No one knows this issue like you. Get down there. Do your work. I believe you can get it done." He stood behind us; he taught me how to work with industry and all concerned citizens to come up with bills that made everyone happy. He taught me consensus. As I mentioned, he is the reason why I am here today, whether you like that or not. I'm very happy that we have this proclamation today and I'm glad that we have so many people from industry and the Department of Agriculture here, as well as his family. You'll see that Paul Iverson has affected many in this room. I appreciate you all being here today.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I think the proclamation is so fitting for the life of Paul Iverson. I think, maybe, I had the privilege of knowing Paul longer than anyone in this Body. At one time, we had the Department of Energy. We found that the Department of Energy wasn't quite doing anything. That is when we created the Division of Minerals. I remember that Paul was very active. He started setting up these teachers' courses. An opening came up for director of the Division of Agriculture, now the Department of Agriculture. Paul and I were instrumental in getting that departmentalized. Paul was such a warrior, such a fighter. Everything he did, he did well. It's Nevada's loss. It has lost such a great champion. I certainly wish my condolences to all of Paul's family and his many, many friends.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I stand in support of this proclamation. In my ten years serving on Ways and Means, I've had the privilege to chair one of the subcommittees that oversaw the budget for which Mr. Iverson fought vigorously to support. I would like to say he served the

state with dignity, with pride, and with professionalism all the way. He was so excited, a lot of us were, when he was on national television regarding the gentling program at the prison for the horses. This was the first in the United States, and as far as I know, still is. Nevada can be proud of his work. He did a great job. We are better because we had Paul Iverson serving our state. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of this proclamation. I'll have to admit that when Paul had worked for the Department of Minerals for many years, and then was appointed as head of the Department of Agriculture, I was worried because it took a special person to get along with all the cowboys out there and the people who raise garlic and everything else that we do in Nevada in agriculture. I was so pleasantly surprised. Paul came forward and was so positive. I just don't think at that point in time we could have had a better man as a head of the Department of Agriculture. Other people have mentioned about the horse-training program; if it hadn't been for Paul, that venture never would have gotten off the ground. I just want to put my two cents in and say that Paul Iverson was the man for the time. He supported agriculture so much that we're going to really miss him. I want to express my condolences to the members of his family. He was a great man. I'm glad to be able to call him my friend.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of the proclamation. I first met Paul almost 20 years ago when he began working on the mining training for teachers. It was a wonderful program. We got a lot of feedback from it. In addition to that, when I started serving up here, I used to bring back to my classroom the box with the bugs in it, which Paul always delivered to me at the end of each session. My middle school students absolutely loved touching the dead bugs. It makes you realize how kids still are. Many of them were apartment kids and they would exclaim, "That's a cockroach!" I would have to say, "No, that's a beetle." He always gave me little educational tools. In fact, I used to do a Nevada history week. Paul would always send me my little batch so I could do an agricultural program with the kids. I would get Winnemucca potatoes, which we would make. There were a lot of different pieces. He was always a teacher at heart. He touched many different people and he will continue to live in all of our hearts. Finally, I would say about Paul that he epitomized what a good, strong, hardworking, ethical public employee is. We have many of them in this state. He epitomized that. Thank you.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I, too, rise in support of the proclamation. Frankly, I won't be able to say much. Good friend, great man. He'll be missed.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Speaker. I rise in support of the proclamation. Well beyond him as a director of the Department of Agriculture, we need to look at Paul Iverson and what he did in rural Nevada. He was truly the oil on the water. He was my friend. My deepest sympathies go out to the family. He will be missed, especially by those of us in rural Nevada. He took care of us. Thank you.

Assemblywoman Buckley requested the following proclamation be entered in the Journal.

PROCLAMATION RECOGNIZING PEACE OFFICER'S MEMORIAL DAY

WHEREAS, of all the promises America offers, none is more precious or more elusive than the right to be free from crime and violence; and

WHEREAS, the dedicated men and women who have chosen law enforcement as a career face extraordinary risk and danger in preserving our freedom and security; and

WHEREAS, during the week of May 12-16, 2003, National Police Week is observed throughout the nation in order to recognize the hazardous work, serious responsibilities, and strong commitment to our nation's peace officers; and

WHEREAS, in conjunction with this important observance, May 14 will be observed as Nevada Peace Officer's Memorial Day in commemoration of those noble officers who have tragically sacrificed their lives in the line of duty; and

WHEREAS, these special observances provide all Nevadans with the opportunity to appreciate the heroic men and women who have dedicated their lives to preserving public safety; now, therefore, be it

RESOLVED, that the Assembly of the State of Nevada does hereby proclaim Wednesday, May 14, 2003, as Peace Officer's Memorial Day in the state of Nevada; and be it further

RESOLVED, that all citizens are encouraged to remember those individuals who gave their lives for our safety and express appreciation to those who continue to dedicate themselves to making Nevada a safer place in which to live.

DATED this 12th day of May, 2003.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Royce Bunch and Lois Bunch.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Hali Gillin and Destiny Gillin.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to James Chavis, Don Henderson, and Rick Gimlin.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Coyner and Linda Wells.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Ginger Iverson, Kari Iverson, Holly Allen, Keith Allen, Bailey Allen, Kaori Iverson, Isaac Iverson, Neal Larsen, Scott Larsen, Tahna Larsen, Cecile Crofoot, Mike Randall, Cindy Randall and Mitch Wojtowicz.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Vernon Miller, Michael Iverson, and Jennifer Bartlett.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Macaluso and Joaquin Rosas.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Grillo and Jean Osborne.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Peck.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Tanceana Reynard, Kelly Adams, Mabel Aquino, Tina Berglund, Jill Burridge, Patricia Cunningham, Hali Gillin, Arlene Midby, Jacqueline Mobley, Denise Painter, Lih Lin Paulson, Kenneth Reynard, Tina Rodilloso, Ruth Santos, Deanna Stansbury, Yolanda Wilson, Ashley Adams, Rebecca Aquino, Krystal Belmonte, Timothy Berglund, MacKenzie Burridge, Alexa Coury-Midby, Jacob Forsberg, Destiny Gillin, Kelsey Kaye, Brittany Mobley, Corissa Orlandos, Lauren Painter, Christopher Pascoe, Sean Pascoe, Steven Paulson, Michael Reynard, Stephen Rodilloso, Jordan Stansbury, Andrea Tarnai, Kristen Watkins, Reynald Williams, and Brandin Wilson.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Wanda Martin and Bill Durbin.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Rudy Manthei.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Meghan Taylor, Christian Iverson, and Gary McCuin.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Driesner and John Snow.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Virginia Ridgway, Marina Anderson, Kari Frilot, and Carole Kloepfel.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, May 15, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:23 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 15, 2003

Assembly called to order at 11:20 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Albert Tilstra.

Here we come, Lord. As we get nearer to the deadlines that have been set, we can so easily become frustrated and upset, with ourselves and with our fellow legislators. Forgive us for doing the things that make us uncomfortable and guilty when we pray. We say we believe in God, and yet we doubt God's promises. We say that in God we trust, yet we worry and try to manage our own affairs. We say that we love You, and yet do not obey You. We believe that You have the answers to all our problems, and yet we do not consult You. Forgive us, Lord, for our lack of faith and the willful pride that ignores the way, the truth, and the life. Reach down and change the gears within us that we may go forward with You.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 36, 62, 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Senate Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Senate Bills Nos. 123, 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 78, 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which were referred Senate Concurrent Resolutions Nos. 12, 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Senate Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 410, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 13, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 79, Amendment No. 643, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 46, 49, 494.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 81, 413.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 14, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 71, 86, 103, 221, 231, 233, 235, 245, 285, 344, 375.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 143, Amendment No. 613; Assembly Bill No. 151, Amendment No. 583; Assembly Bill No. 155, Amendments Nos. 630, 695; Assembly Bill No. 212, Amendment No. 604; Assembly Bill No. 232, Amendment No. 667, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 216.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 36.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 36.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 355 be taken from the Second Reading File and re-referred to the Committee on Transportation.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 73 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Senate Concurrent Resolution No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 652.

Amend the preamble of the resolution, page 1, between lines 11 and 12 by inserting:

"WHEREAS, A reasonable amount of wilderness area in this state provides for a diverse spectrum of recreational opportunities in Nevada, promotes tourism and provides a place for Nevadans to escape the pressures of urban growth; and".

Amend the preamble of the resolution, page 2, by deleting lines 3 through 5 and inserting:

"WHEREAS, Because approximately 2 million acres of federal public land in Nevada have been designated as wilderness areas and approximately 8.6 percent of the federal public land in Nevada that is".

Amend the preamble of the resolution, page 2, line 8, by deleting "imposes" and inserting: "is believed to impose".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Resolution ordered reprinted, re-engrossed, and to resolution file.

Assemblywoman Buckley moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 46.

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

Motion carried.

Senate Bill No. 49.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 81.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 216.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 413.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 494.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblymen Pierce, Horne, and Andonov as a Committee to review the status of the Conference Committees.

SECOND READING AND AMENDMENT

Assembly Bill No. 130.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 684.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sec. 4 as sec. 2.

Amend the bill as a whole by deleting sections 5 and 6, renumbering sec. 7 as sec. 10 and adding new sections designated sections 3 through 9, following sec. 4, to read as follows:

"Sec. 3. NRS 453A.030 is hereby amended to read as follows:

453A.030 "Attending physician" means a physician who:

1. Is licensed to practice ~~[medicine]~~ *:*

(a) Medicine pursuant to the provisions of chapter 630 of NRS; *or*

(b) Osteopathic medicine pursuant to the provisions of chapter 633 of NRS; and

2. Has ~~[primary]~~ responsibility for the care and treatment of a person diagnosed with a chronic or debilitating medical condition.

Sec. 4. NRS 453A.160 is hereby amended to read as follows:

453A.160 1. "Usable marijuana" means ~~[the]~~ *:*

(a) The dried leaves and flowers of a plant of the genus *Cannabis*, and any mixture or preparation thereof, that are appropriate for the medical use of marijuana ~~[.]~~ *; and*

(b) The seeds of a plant of the genus Cannabis.

2. The term does not include the ~~[seeds,]~~ stalks and roots of the plant.

Sec. 5. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The Department shall establish and maintain a program for the issuance of registry identification cards to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5, the Department or its designee shall issue a registry identification card to a person who *is a resident of this state and who* submits an application on a form prescribed by the Department accompanied by the following:

(a) Valid, written documentation from the person's attending physician stating that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;

(b) The name, address, telephone number, social security number and date of birth of the person;

(c) *Proof satisfactory to the Department that the person is a resident of this state;*

(d) The name, address and telephone number of the person's attending physician; and

~~[(d)]~~ *(e)* If the person elects to designate a primary caregiver at the time of application:

(1) The name, address, telephone number and social security number of the designated primary caregiver; and

(2) A written, signed statement from his attending physician in which the attending physician approves of the designation of the primary caregiver.

3. The Department or its designee shall issue a registry identification card to a person who is under 18 years of age if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. The form prescribed by the Department to be used by a person applying for a registry identification card pursuant to this section must be a form that is in quintuplicate. Upon receipt of an application that is completed and submitted pursuant to this section, the Department shall:

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Department; and

(c) Distribute the other four copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any;

(3) One copy to the Central Repository for Nevada Records of Criminal History; and

(4) One copy to *:*

(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners ~~[.]~~ *; or*

(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.

The Central Repository for Nevada Records of Criminal History shall report to the Department its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners *or the State Board of Osteopathic Medicine, as applicable,* shall report to the Department its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).

5. The Department shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The Department may contact an applicant, his attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Department may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 to:

(1) Establish his chronic or debilitating medical condition; or

(2) Document his consultation with an attending physician regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the Department, including, without limitation, the regulations adopted by the Director pursuant to NRS 453A.740;

(c) The Department determines that the information provided by the applicant was falsified;

(d) The Department determines that the attending physician of the applicant is not licensed to practice medicine *or osteopathic medicine* in this state or is not in good standing, as reported by the Board of Medical Examiners ~~[,]~~ *or the State Board of Osteopathic Medicine, as applicable;*

(e) The Department determines that the applicant, or his designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

(f) The Department has prohibited the applicant from obtaining or using a registry identification card pursuant to subsection 2 of NRS 453A.300; or

(g) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Department to deny an application for a registry identification card is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Department. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Department or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card pursuant to this section and the Department has not yet approved or denied the application, the person, and his designated primary caregiver, if any, shall be deemed to hold a registry identification card upon the presentation to a law enforcement officer of the copy of the application provided to him pursuant to subsection 4. A person may not be deemed to hold a registry identification card for a period of more than 30 days after the date on which the Department received the application.

9. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 6. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the Department for a registry identification card or to whom the Department or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 desires to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the Department the information required pursuant to paragraph ~~[(d)]~~ *(e)* of subsection 2 of NRS 453A.210; or

(b) To designate a primary caregiver after the Department or its designee has issued a registry identification card to him, submit to the Department the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that he initially applies for a registry identification card, the Department or its designee shall, except as otherwise provided in subsection 5 of NRS 453A.210, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

Sec. 7. NRS 453A.500 is hereby amended to read as follows:

453A.500 The Board of Medical Examiners *or the State Board of Osteopathic Medicine, as applicable,* shall not take any disciplinary action against an attending physician on the basis that the attending physician:

1. Advised a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS ~~[:]~~ *or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:*

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.

2. Provided the written documentation required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card, if:

(a) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and

(b) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 8. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Director of the Department shall adopt such regulations as the Director determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the State Department of Agriculture will, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the State Department of Agriculture will:

(a) Issue a registry identification card to a qualified person after the card has been prepared by the Department of Motor Vehicles; or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the State Department of Agriculture indicating that the State Department of Agriculture has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the State Department of Agriculture has approved the issuance of a registry identification card to the person.

2. Criteria for determining whether a marijuana plant is a mature marijuana plant or an immature marijuana plant.

3. Fees for:

(a) Providing to an applicant an application for a registry identification card, which fee must not exceed $50; and

(b) Processing and issuing a registry identification card, which fee must not exceed $150.

Sec. 9. NRS 633.521 is hereby amended to read as follows:

633.521 An osteopathic physician is not subject to disciplinary action solely for ~~[prescribing]~~ *:*

1. Prescribing or administering to a patient under his care:

~~[1.]~~ *(a)* Amygdalin (laetrile), if the patient has consented to the use of the substance.

~~[2.]~~ *(b)* Procaine hydrochloride with preservatives and stabilizers (Gerovital H3).

~~[3.]~~ *(c)* A controlled substance which is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS 453.146, if the controlled substance is lawfully prescribed or administered for the treatment of intractable pain in accordance with accepted standards for the practice of osteopathic medicine.

2. Engaging in any activity in accordance with the provisions of chapter 453A of NRS.".

Amend the title of the bill to read as follows:

"AN ACT relating to the State Department of Agriculture; authorizing the Director of the State Department of Agriculture and the Department to impose and collect certain fees; making various changes to the program of medical marijuana administered by the Department; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 687.

Amend sec. 2, page 1, line 13, by deleting: "upon passage and approval." and inserting: "on July 1, 2003.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 469.

Bill read second time and ordered to third reading.

Assembly Bill No. 476.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 683.

Amend section 1, page 1, line 1, by deleting "281" and inserting "613".

Amend section 1, page 1, line 3, by deleting "*public*".

Amend section 1, pages 1 and 2, by deleting lines 7 through 13 on page 1 and lines 1 through 9 on page 2, and inserting:

"*2. Within 30 days after a person begins employment, the person must provide evidence to his employer that he has:*

(a) In the manner required pursuant to chapter 482 of NRS, registered any motor vehicle that he owns and that will be used in performing his duties of employment; and

(b) If he possesses a driver's license, obtained a driver's license pursuant to chapter 483 of NRS,

or evidence that he is not required by law to register such a motor vehicle or obtain such a license. An employer shall maintain the evidence provided pursuant to this subsection.

3. The Department of Motor Vehicles may, upon request, assist an employer in confirming that its employees have complied with the requirements of this section.

4. As used in this section, "employer" means a private or public employer in this state, including, without limitation, the State of Nevada, an".

Amend sec. 2, page 2, by deleting line 12 and inserting:

"Sec. 2. Each person who is employed on October 1, 2003, by an".

Amend sec. 2, page 2, line 13, by deleting "public".

Amend sec. 2, page 2, by deleting lines 15 through 17 and inserting: "before January 1, 2004, to his employer.".

Amend the bill as a whole by deleting sec. 3.

Amend the title of the bill by deleting the first line and inserting:

"AN ACT relating to employees; requiring employers".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires employers to ensure that employees comply with laws governing registration of motor vehicles and obtaining drivers' licenses. (BDR 53-1316)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 542.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 586.

Amend sec. 5, page 4, line 11, before "Before" by inserting "*1.*".

Amend sec. 5, page 4, by deleting lines 21 through 25 and inserting: "*218.2758, inclusive.*

2. Before preparing a fiscal note pursuant to this section, the Fiscal Analysis Division shall:

(a) Provide to the appropriate local governments a copy of the bill or joint resolution for which the fiscal note is required; and

(b) Request that the local governments review the bill or joint resolution and, if required, prepare a fiscal note pursuant to the provisions of subsection 2 of NRS 218.2752.

3. Except as otherwise provided in this subsection, a fiscal note is not required if the only impact on a local government is that a bill or joint resolution increases or newly provides for a term of imprisonment in a county or city jail or detention facility, or makes release on probation therefrom less likely. The Fiscal Analysis Division shall prepare a fiscal note

for a bill or joint resolution for which a fiscal note is not otherwise required pursuant to this subsection if, within 8 working days after the bill or joint resolution is introduced:

(a) A local government prepares a fiscal note for the bill or joint resolution and submits it to the Fiscal Analysis Division; and

(b) The fiscal note complies with requirements set forth in NRS 218.2751.".

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

"Sec. 6.5. NRS 218.2751 is hereby amended to read as follows:

218.2751 The fiscal note must be factual and concise in nature, and must provide a reliable estimate of the dollar amount of effect the bill or joint resolution will have. If the agency *or local government* concludes that no dollar amount can be estimated, the note must so state with reasons for such a conclusion.".

Amend the bill as a whole by deleting sec. 17 and adding new sections designated sections 17 and 17.5, following sec. 16, to read as follows:

"Sec. 17. NRS 218.934 is hereby amended to read as follows:

218.934 The Director may:

1. Prepare and publish such reports concerning lobbying activities as he deems appropriate.

2. Release to the public the name of any lobbyist who fails to file any activity report within 14 days after the date it is required to be filed.

3. Revoke the registration of any lobbyist who fails to file any activity report within 30 days after the date it is required to be filed ~~[.]~~ *or fails to file two or more activity reports within the time required.*

Sec. 17.5. NRS 218.940 is hereby amended to read as follows:

218.940 1. ~~[Any]~~ *Except as otherwise provided in this subsection, a* registrant who files an activity report after the time provided in NRS 218.926 shall pay to the Director a fee for late filing of $10 for each day that it was late, but the Director may reduce or waive this fee upon a finding of just cause. *The Legislative Commission may by regulation exempt a classification of lobbyist from the fee for late filing.*

2. An activity report with respect to which a late filing fee has been paid by the registrant or waived by the Director shall be deemed timely filed, and the late filing is not a public offense.".

Amend sec. 21, page 12, line 36, after "earned." by inserting: "*Nothing in this section allows a member to receive more than 1 year of credit for retirement eligibility in any year.*".

Amend the bill as a whole by deleting sec. 22 and adding:

"Sec. 22. (Deleted by amendment.)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 543.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 5.
Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 6.
Bill read second time.
The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:
Amendment No. 593.
Amend the resolution, page 5, by deleting lines 6 through 8 and inserting: "Federal Government to the State of Nevada to fairly".
Assemblywoman Giunchigliani moved the adoption of the amendment.
Remarks by Assemblywoman Giunchigliani.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 37.
Bill read second time and ordered to third reading.

Senate Bill No. 68.
Bill read second time and ordered to third reading.

Senate Bill No. 105.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 674.
Amend section 1, page 2, by deleting lines 3 through 7 and inserting:
"2. *If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses may be aggregated for the purpose of determining the penalty prescribed in subsection 1.*".
Amend section 1, page 2, line 27, by deleting "~~[6]~~ *12*" and inserting "6".
Amend section 1, page 2, line 32, by deleting "~~[6]~~ *12*" and inserting "6".
Amend the title of the bill, third line, after "property;" by inserting: "providing a penalty;".
Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 124.
Bill read second time and ordered to third reading.

Senate Bill No. 139.
Bill read second time and ordered to third reading.

Senate Bill No. 148.

Bill read second time and ordered to third reading.

Senate Bill No. 150.

Bill read second time and ordered to third reading.

Senate Bill No. 159.

Bill read second time and ordered to third reading.

Senate Bill No. 186.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 675.

Amend section 1, page 1, line 5, by deleting "*chapter.*" and inserting: "*chapter, except that the fee must not be charged to an obligor more than two times during any month.*".

Amend the title of the bill by deleting the second and third lines and inserting: "of child support who is subject to withholding of income by his employer; providing for the collection and".

Amend the summary of the bill to read as follows:

"SUMMARY—Imposes fee upon obligor of child support who is subject to withholding of income by his employer. (BDR 3-446)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 198.

Bill read second time and ordered to third reading.

Senate Bill No. 206.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 654.

Amend sec. 18, page 4, by deleting lines 7 through 10 and inserting:

"Sec. 18. *"Prime contractor" means:*

1. A person who contracts with an owner of property to provide work, materials or equipment to be used for the improvement of the property or in the construction, alteration or repair of a work of improvement; or

2. A person who is an owner of the property, is licensed as a general contractor and provides work, materials or equipment to be used for the improvement of the property or in the construction, alteration or repair of a work of improvement.".

Amend sec. 26, page 7, line 29, by deleting "*all*" and inserting "*the*".

Amend sec. 26, page 7, by deleting line 31 and inserting: "*the Undersigned's Customer which are the subject of the Invoice or Payment Application, but only to the extent of the Payment Amount or*".

Amend sec. 26, page 8, line 30, by deleting "*all*" and inserting "*the*".

Amend sec. 26, page 8, by deleting line 32 and inserting: "*the Undersigned's Customer which are the subject of the Invoice or Payment Application, but only to the extent of the Payment Amount or*".

Amend sec. 28, pages 11 and 12, by deleting lines 38 through 45 on page 11 and lines 1 through 6 on page 12, and inserting: "*improvements for which the work, materials and equipment were furnished* for:

(a) If the parties ~~[entered into a contract,]~~ *agreed upon a specific price or method for determining a specific price for some or all of the work, material and equipment furnished by or through the lien claimant,* the unpaid balance of the price agreed upon for ~~[; or~~

~~(b) In absence of a contract,]~~ *such work, material or equipment, as the case may be, whether performed or furnished at the instance of the owner or his agent; and*

(b) If the parties did not agree upon a specific price or method for determining a specific price for some or all of the work, material and equipment furnished by or through the lien claimant, an amount equal to the fair market value of ~~[, the labor performed or material furnished or rented,]~~ *such work, material or equipment,* as the case may be, ~~[by each respectively,]~~ including a reasonable allowance".

Amend sec. 31, page 17, line 14, by deleting "*resident*" and inserting "*residence*".

Amend sec. 38, page 25, by deleting lines 17 through 20 and inserting: "*lease and does not request, require, authorize or consent to his lessee causing the work of improvement to be constructed, altered or repaired upon the property; and*

(b) The lessee personally or through his agent or representative enters into a contract and causes the improvements to be".

Amend sec. 46, page 34, line 10, after "*108.237*." by inserting: "*Such a judgment is immediately enforceable and may be appealed regardless of whether any other claims asserted or consolidated actions or suits have been resolved by a final judgment.*".

Amend sec. 47, page 34, line 30, by deleting "debtor, ~~[if~~" and inserting "debtor ~~[, if~~".

Amend sec. 47, page 34, line 32, by deleting: "*as the case may be,*".

Amend sec. 48, page 35, line 1, by deleting "*motion,*" and inserting: "*motion or petition,*".

Amend sec. 48, page 35, line 3, after "*motion*" by inserting "*or petition*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 231.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 575.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "2 to 5, inclusive,".

Amend the bill as a whole by deleting sections 2 through 5, renumbering sections 6 through 13 as sections 8 through 15 and adding new sections designated sections 2 through 7, following section 1, to read as follows:

"Sec. 2. *"Disability" means, with respect to a person:*

1. A physical or mental impairment that substantially limits one or more of the major life activities of the person;

2. A record of such an impairment; or

3. Being regarded as having such an impairment.

Sec. 3. *"Service animal in training" means an animal that is being trained to assist or accommodate a person with a disability.*

Sec. 4. *1. It is unlawful for a person to allow any animal that he owns, harbors or controls to cause injury to or the death of any service animal or service animal in training, or to endanger or cause injury to a person who has a disability and is accompanied by a service animal or a person who trains service animals and is accompanied by a service animal in training.*

2. Any person, including, without limitation, any firm, association or corporation, who violates the provisions of subsection 1:

(a) Is guilty of a gross misdemeanor and shall be punished:

(1) By a fine of not less than $500 and not more than $2,500; or

(2) If the violation is intentional, by imprisonment in the county jail for not more than 1 year or by a fine of not more than $5,000, or by both fine and imprisonment; and

(b) In addition to any criminal penalty that may be imposed, is civilly liable to the person against whom the violation was committed as provided in section 5 of this act.

3. In addition to any other penalty, the court shall order a person convicted of a violation of subsection 1 to pay restitution to the person who has the disability or the person who has custody or ownership of the service animal or service animal in training for any veterinary bills, and for the replacement cost of the service animal or service animal in training if it was killed or disabled or has become mentally or physically unable to perform its duties. The restitution must cover all costs for aides, assistance, transportation and other hardships incurred during the absence, and until the replacement, of the service animal or service animal in training.

Sec. 5. *1. In addition to any criminal penalty that may be imposed, any person, including, without limitation, any firm, association or corporation, who violates the provisions of subsection 1 of section 4 of this act is civilly liable to the person against whom the violation was committed for:*

(a) Actual damages;

(b) Such punitive damages as may be determined by a jury, or by a court sitting without a jury, which must not be more than three times the amount of actual damages, except that in no case may the punitive damages be less than $750; and

(c) Reasonable attorney's fees as determined by the court.

2. The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law, including, without limitation, any action for injunctive or other equitable relief available to the aggrieved person or brought in the name of the people of this state or the United States.

Sec. 6. NRS 426.031 is hereby amended to read as follows:

426.031 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 426.041 to 426.097, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 426.097 is hereby amended to read as follows:

426.097 "Service animal" means an animal ~~[which]~~ *that* has been ~~[or is being]~~ trained to ~~[provide a specialized service to a handicapped person by a school that is approved by the Division to train such an animal.]~~ *assist or accommodate a person with a disability.*".

Amend sec. 9, page 4, line 25, by deleting "companionship or" and inserting "~~[companionship or]~~".

Amend sec. 9, page 4, by deleting lines 33 and 34 and inserting: "service animal ~~[,]~~ *or a service animal in training,* as those terms are defined in ~~[chapter 426 of NRS.]~~ *NRS 426.097 and section 3 of this act, respectively.*".

Amend the title of the bill by deleting the second and third lines and inserting: "service animals and service animals in training; prohibiting certain acts relating to service animals, service animals in training or persons using service animals; providing civil liability and requiring the payment of restitution for certain".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywomen Koivisto and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 255.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 693.

Amend the bill as a whole by deleting sections 1 through 19 and the text of repealed sections and adding new sections designated sections 1 through 19, following the enacting clause, to read as follows:

"Section 1. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. A person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a

complaint brought by the Commissioner, the Director, the district attorney of any county of this state or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. In any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this state or the Attorney General bringing the action may recover a civil penalty not to exceed $2,500 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this state concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this state; or

(b) If the defendant is a corporation, dissolution of the corporation.

The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of sections 3 to 16, inclusive, of this act, fails to comply with a judgment or order of any court in this state concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this state; or

(b) If the defendant is a corporation, dissolution of the corporation.

The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 2. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 16, inclusive, of this act.

Sec. 3. *As used in sections 3 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Registry" means the registry established pursuant to section 7 of this act.*

Sec. 5. *1. "Telephone solicitor" means a person who makes or causes another person or a machine to make an unsolicited telephone call for the sale of goods or services.*

2. As used in this section:

(a) "Device for automatic dialing and announcing" has the meaning ascribed to it in NRS 597.812.

(b) "Machine" includes, without limitation, a device for automatic dialing and announcing.

Sec. 6. *1. "Unsolicited telephone call for the sale of goods or services" means an unsolicited telephone call, other than a telephone call on behalf of a charitable organization, political party or candidate for public office, to:*

(a) Rent, lease, sell, exchange, promote or gift any good or service;

(b) Solicit any act described in paragraph (a);

(c) Seek or obtain a donation or contribution of money or anything else of value; or

(d) Seek or obtain information, including, without limitation, any document, intended to be used to facilitate any act described in paragraph (a), (b) or (c).

2. As used in this section:

(a) "Charitable organization" means a person that the Secretary of the Treasury has determined to be tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

(b) "Good or service" means:

(1) Any property or product, whether tangible or intangible;

(2) Any service, including, without limitation, financial service;

(3) A loan or any other extension of credit;

(4) Insurance;

(5) Any investment or opportunity for investment;

(6) A gift, prize, bonus or any other inducement to act; or

(7) Anything of value.

(c) "Telephone call on behalf of a charitable organization" means a telephone call soliciting a donation or contribution to a charitable organization if:

(1) The call is made by an employee of the charitable organization or a volunteer; and

(2) The caller, within 30 seconds after beginning the conversation with the person who is called, discloses:

(I) The actual first and last name of the caller; and

(II) The name, address and telephone number of the charitable organization.

3. For the purposes of this section, a telephone call is deemed to have been solicited if it is made to a person who:

(a) Expressly requested or expressly gave permission for the telephone call to be made;

(b) Had an established business relationship with the caller, if the telephone call is made solely to verify the termination of the business relationship; or

(c) Has a delinquent obligation for which payment or performance is due but has not been made, if the telephone call is made to:

(1) Collect the payment or obtain the performance; or

(2) Extend credit to allow the person to make the payment.

Sec. 7. *1. The Consumer's Advocate shall:*

(a) Establish and maintain, or cause to be established and maintained, a registry that includes the name and telephone number of each person in this state who has requested that his telephone number be included in the list published pursuant to this section;

(b) Provide for a toll-free telephone number that may be used to request inclusion or maintenance of a telephone number in the registry;

(c) Publish a list of the telephone numbers in the registry at least once every 6 months and ensure that no other personally identifying information contained in the registry is included in the published lists;

(d) On January 1, 2007, and every 3 years thereafter, delete from the registry every telephone number and related information, except for each telephone number and related information for which the Consumer's Advocate has received a request within the preceding 6 months to include or maintain the telephone number in the registry; and

(e) During the 6-month period identified in paragraph (d), use reasonable means, including, without limitation, public service announcements, to inform the public that telephone numbers and related information in the registry will be deleted or otherwise purged unless new or renewed requests for inclusion in the registry are received by the Consumer's Advocate.

2. The Consumer's Advocate may:

(a) Contract for the establishment and maintenance of the registry;

(b) Provide for additional procedures for requesting inclusion or maintenance of a telephone number in the registry; and

(c) Require by regulation that information in addition to names and telephone numbers be included in the registry, including, without limitation, the mailing address of each person who has requested inclusion in the registry.

3. A person may request that his telephone number be included or maintained in the registry using:

(a) A toll-free telephone number provided by the Consumer's Advocate for that purpose; or

(b) Any other method provided by the Consumer's Advocate.

4. If a person requests that his telephone number be included in the registry, the person must indicate whether he authorizes callers with whom he has an established business relationship, and affiliates of those callers, to make unsolicited sales calls for the sale of goods or services to him despite the inclusion of his telephone number in the registry. If the person does not indicate his choice with regard to such authorization, he shall be deemed to have chosen to authorize such calls. The person may request to change his choice with regard to such authorization using any of the procedures with which he may request to include or maintain his telephone number in the registry. The person's choice with regard to such authorization must be included in the registry and in every list of the telephone numbers in the registry published while that choice is in effect.

5. In publishing a list of the telephone numbers in the registry, the Consumer's Advocate shall publish the list with two distinct portions. One portion must include the telephone number of each person who has chosen to authorize callers with whom the person has an established business relationship, and affiliates of those callers, to make unsolicited sales calls for the sale of goods or services to him despite the inclusion of his telephone number in the registry. The other portion must include the telephone number of each person who has chosen not to authorize callers with whom the person has an established business relationship, and affiliates of those callers, to make unsolicited sales calls for the sale of goods or services to him.

6. A person may request to have his telephone number removed from the registry. Such a request must be submitted to the Consumer's Advocate in writing.

Sec. 8. *1. The Consumer's Advocate shall make information available to the public concerning the establishment and maintenance of the registry, including, without limitation:*

(a) The procedures for requesting the inclusion or maintenance of a telephone number in the registry;

(b) A statement indicating that a revised version of the list of telephone numbers in the registry will be published at least once every 6 months;

(c) A statement indicating that no information contained in the registry, other than the telephone numbers, will be included on the list published pursuant to this section or otherwise disclosed to the public; and

(d) A statement indicating that all telephone numbers and related information in the registry will be deleted or otherwise purged from the registry every 3 years, except for any telephone number and related information for which the Consumer's Advocate has received a new or renewed request for inclusion in the registry within the 6 months before the potential deletion.

2. A person who publishes telephone directories for distribution to the public in this state shall ensure that each such telephone directory includes the information made available to the public by the Consumer's Advocate pursuant to subsection 1.

Sec. 9. *1. The registry is not a public record. Any list published of the telephone numbers contained within the registry is not a public record.*

2. The telephone numbers in the registry must not be published or released except pursuant to the provisions of sections 3 to 16, inclusive, of this act.

3. The information in the registry other than the telephone numbers:

(a) Must not be published or released; and

(b) May only be used by the Consumer's Advocate to administer the provisions of sections 3 to 16, inclusive, of this act.

Sec. 10. *Each list of telephone numbers published pursuant to section 7 of this act must be made available to a telephone solicitor upon the payment of the fee established for this purpose by the Consumer's Advocate. The fee must not exceed $1,000 annually for each telephone solicitor, regardless of the number of revised editions of the list that are published during the calendar year.*

Sec. 11. *1. Except as otherwise provided in this section, a telephone solicitor shall not intentionally make an unsolicited telephone call for the sale of goods or services to a telephone number in the currently effective version of the list of telephone numbers in the registry. A telephone solicitor may make an unsolicited telephone call for the sale of goods or services to a telephone number in the currently effective version of the list if:*

(a) The telephone solicitor, or an affiliate of the telephone solicitor, has an established business relationship with the person whose telephone number is called; and

(b) The list indicates that the person whose telephone number is called chose to authorize callers with whom he has an established business relationship, and affiliates of those callers, to make unsolicited sales calls for the sale of goods or services to him despite the inclusion of his telephone number in the registry.

2. A person who obtains a copy of or access to the registry or to any version of the list of telephone numbers in the registry shall not use that information for any purpose other than determining whether a particular telephone number is available for an unsolicited telephone call for the sale of goods or services.

3. For the purposes of this section, a version of the list of telephone numbers in the registry is deemed to be the currently effective version of the list for the period beginning on the 31st day after it is published and ending on the 30th day after the next version is published.

Sec. 12. *1. If the Consumer's Advocate finds that a telephone solicitor has violated section 11 of this act, the Consumer's Advocate may, for the first offense, in lieu of taking any action against the telephone solicitor pursuant to section 13 of this act or NRS 598.0903 to 598.0999, inclusive, issue a notice of violation to the telephone solicitor if the telephone solicitor agrees to:*

(a) Establish written policies and procedures to ensure compliance with section 11 of this act;

(b) Provide training concerning the provisions of section 11 of this act to each person who makes telephone calls for the telephone solicitor; and

(c) Maintain records evidencing compliance with the provisions of paragraphs (a) and (b).

2. A notice of violation issued pursuant to subsection 1 must set forth with particularity the violation alleged by the Consumer's Advocate, the corrective action the telephone solicitor must take and the period within which that corrective action must be taken. If a telephone solicitor to whom a notice of violation is issued fails to take the corrective action set forth in the notice of violation, the Consumer's Advocate may:

(a) Extend the period for taking corrective action; or

(b) Proceed against the telephone solicitor in accordance with the provisions of section 13 of this act or NRS 598.0903 to 598.0999, inclusive.

Sec. 13. *1. If, after an investigation, the Consumer's Advocate has reasonable cause to believe that any person has been engaged or is engaging in any act in violation of sections 3 to 16, inclusive, of this act, the Consumer's Advocate may issue an order directed to the person to show cause why the Consumer's Advocate should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.*

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Consumer's Advocate determines that the person has violated any of the provisions of sections 3 to 16, inclusive, of this act, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Consumer's Advocate may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Consumer's Advocate determines in the report that such a violation has occurred, he may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Consumer's Advocate free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of sections 3 to 16, inclusive, of this act; and

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.

The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Consumer's Advocate may, at any time 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) The violation complained of is a violation of sections 3 to 16, inclusive, of this act;

(b) The proceedings by the Consumer's Advocate concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and

(c) The findings of the Consumer's Advocate are supported by the weight of the evidence,

the court shall issue an order enforcing the provisions of the order of the Consumer's Advocate.

6. An order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Consumer's Advocate of a penalty of not more than $5,000 for each act amounting to a failure to comply with the order of the Consumer's Advocate; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Consumer's Advocate, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 14. *A violation of a provision of sections 3 to 16, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903*

to 598.0999, inclusive. For the purposes of enforcing the provisions of sections 3 to 16, inclusive, of this act, the Consumer's Advocate may exercise the authority of the Attorney General pursuant to NRS 598.0903 to 598.0999, inclusive.

Sec. 15. *1. The Registry Fund is hereby created as a special revenue fund in the State Treasury for the use of the Consumer's Advocate.*

2. All money collected by the Consumer's Advocate pursuant to section 10 of this act must be deposited in the State Treasury for credit to the Registry Fund. The interest and income earned on the money in the Registry Fund, after deducting any applicable charges, must be credited to the Registry Fund.

3. Expenditures from the Registry Fund must be made only to administer and enforce the provisions of sections 3 to 16, inclusive, of this act.

4. The Consumer's Advocate shall administer the Registry Fund. All claims against the Registry Fund must be paid as other claims against the State are paid.

5. Any money remaining in the Registry Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Registry Fund must be carried forward to the next fiscal year.

6. Each year, the Consumer's Advocate shall submit an itemized statement of the income and expenditures for the Registry Fund:

(a) To the Legislature, if the Legislature is in session; or

(b) If the Legislature is not in session, to the Interim Finance Committee.

Sec. 16. *The Consumer's Advocate shall adopt regulations to carry out the provisions of sections 3 to 16, inclusive, of this act.*

Sec. 17. NRS 228.300 is hereby amended to read as follows:

228.300 As used in NRS 228.300 to 228.390, inclusive, *and sections 3 to 16, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 228.302 to 228.308, inclusive, have the meanings ascribed to them in those sections.

Sec. 18. The State Treasurer shall, upon passage and approval of this act, transfer $200,000:

1. From the account within the Attorney General's Special Fund for money deposited pursuant to subsection 1 of NRS 598A.260; and

2. To the Registry Fund created by section 15 of this act.

Sec. 19. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations, transferring money pursuant to section 18 of this act, and entering into contracts or otherwise preparing to carry out the provisions of this act;

2. On October 1, 2003, for the purposes of the Consumer's Advocate receiving and accepting requests to include telephone numbers in the registry established pursuant to section 7 of this act;

3. On December 1, 2003, for the purpose of publishing the first list of telephone numbers in the registry; and

4. On January 1, 2004, for all other purposes.".

Amend the title of the bill to read as follows:

"AN ACT relating to telephone solicitation; requiring the establishment of a registry of certain telephone numbers; requiring the publication of a list of certain telephone numbers; prohibiting a telephone solicitor from making an unsolicited telephone call for the sale of goods or services to a telephone number included in the currently effective version of the list under certain circumstances; providing that the making of an unsolicited telephone call for the sale of goods and services is a deceptive trade practice under certain circumstances; creating the Registry Fund as a special revenue fund in the State Treasury; providing for money to be transferred to the Registry Fund; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires establishment of registry of certain telephone numbers and prohibits telephone solicitors from making unsolicited telephone calls to telephone numbers included in registry under certain circumstances. (BDR 52-133)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 299.

Bill read second time and ordered to third reading.

Senate Bill No. 310.

Bill read second time and ordered to third reading.

Senate Bill No. 358.

Bill read second time and ordered to third reading.

Senate Bill No. 373.

Bill read second time and ordered to third reading.

Senate Bill No. 387.

Bill read second time and ordered to third reading.

Senate Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 676.

Amend sec. 29, page 30, lines 2, 8, 12, 16, 20, 22, 25, 26, 28, 29, 30, 32, 33, 35, 36, 38, 41, 42, 43 and 44 by deleting "*optical*".

Amend sec. 29, page 31, by deleting line 1 and inserting:

"*(ii) Safrole, its salts, isomers and salts of*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 466.

Bill read second time and ordered to third reading.

Senate Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 651.

Amend the bill as a whole by deleting sec. 4 and adding:

"Sec. 4. (Deleted by amendment.)".

Amend sec. 13, page 3, line 6, by deleting "*Division*" and inserting: "*State Sealer of Weights and Measures*".

Amend sec. 15, page 5, line 34, by deleting "*1.*".

Amend sec. 15, page 5, line 37, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 15, page 5, by deleting lines 38 through 41 and inserting: "*hours upon presenting his credentials.*".

Amend sec. 15, page 5, line 42, by deleting "*(b)*" and inserting "*2.*".

Amend sec. 15, page 6, line 1, by deleting "*(c)*" and inserting "*3.*".

Amend sec. 15, page 6, line 6, by deleting "*(d)*" and inserting "*4.*".

Amend sec. 15, page 6, by deleting lines 12 through 15.

Amend sec. 24, page 8, lines 25 and 27, by deleting "*Director*" and inserting: "*State Sealer of Weights and Measures*".

Amend sec. 24, page 8, line 33, by deleting "*Director;*" and inserting: "*State Sealer of Weights and Measures;*".

Amend sec. 24, page 8, line 39, by deleting "*Director*" and inserting: "*State Sealer of Weights and Measures*".

Amend sec. 26, page 9, line 17, by deleting "*Director*" and inserting: "*State Sealer of Weights and Measures*".

Amend sec. 49, page 14, line 31, after "*1.*" by inserting: "*Except as otherwise provided in subsection 2:*

(a)".

Amend sec. 49, page 14, line 35, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 49, page 14, line 37, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 49, page 14, line 39, by deleting "*(b)*" and inserting "*(2)*".

Amend sec. 49, page 14, between lines 42 and 43, by inserting:

"*2. A public weighmaster who operates a vehicle scale that was installed before January 1, 2004, may apply to the State Sealer of Weights and Measures for a permanent variance from the requirements of subsection 1 that would allow the split weighing of certain vehicles or combinations of vehicles. The request must contain:*

(a) The name, address and telephone number of the public weighmaster and the reason for the request.

(b) The name of the manufacturer, and the type, location, deck length, serial number and capacity, of the vehicle scale.

(c) The maximum distance between the front and rear outer axles of a vehicle or combination of vehicles to which the variance would apply.

(d) A statement certifying that, during the split weighing of any vehicle or combination of vehicles, the public weighmaster will verify that:

(1) Each axle of the vehicle or combination of vehicles rests on a straight surface which is level with the deck of the vehicle scale or which, if not level, the amount by which it is out of level does not exceed 1/3 inch per foot of distance between the deck of the vehicle scale and the axle;

(2) The brakes of the vehicle or combination of vehicles are not used; and

(3) The transmission of the vehicle or combination of vehicles is in neutral.".

Amend sec. 51, page 15, line 4, by deleting "*Director*" and inserting: "*State Sealer of Weights and Measures*".

Amend sec. 53, page 16, lines 4 and 6, by deleting "*Director*" and inserting: "*State Sealer of Weights and Measures*".

Amend sec. 54, page 16, lines 24 and 27, by deleting "*Director*" and inserting: "*State Sealer of Weights and Measures*".

Amend sec. 55, page 16, lines 36 and 38, by deleting "*Director*" and inserting: "*State Sealer of Weights and Measures*".

Amend sec. 55, page 16, line 44, by deleting "*Director;*" and inserting: "*State Sealer of Weights and Measures;*".

Amend sec. 55, page 17, line 5, by deleting "*Director*" and inserting: "*State Sealer of Weights and Measures*".

Amend sec. 57, page 17, line 25, by deleting "*Director*" and inserting: "*State Sealer of Weights and Measures*".

Amend sec. 67, page 21, by deleting lines 26 and 27 and inserting: "*within the Department. The Director shall appoint an Administrator of*".

Amend the title of the bill by deleting the seventh and eighth lines and inserting: "providing for the licensure of".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 486.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 650.

Amend the bill as a whole by deleting sec. 14 and adding:

"Sec. 14. (Deleted by amendment.)".

Amend sec. 89, page 28, line 24, after "562.280," by inserting "562.290,".

Amend the leadlines of repealed sections by adding the leadline of NRS 562.290.

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 490.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 3.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 649.

Amend the resolution, page 3, line 33, by deleting "areas;" and inserting: "areas without first releasing wilderness study areas determined to be unsuitable for designation as wilderness areas;".

Amend the preamble of the resolution, page 1, between lines 11 and 12 by inserting:

"WHEREAS, A reasonable amount of wilderness area in this state provides for a diverse spectrum of recreational opportunities in Nevada, promotes tourism and provides a place for Nevadans to escape the pressures of urban growth; and".

Amend the preamble of the resolution, page 2, line 26, by deleting "imposes" and inserting: "is believed to impose".

Amend the preamble of the resolution, page 2, by deleting lines 33 through 35 and inserting:

"WHEREAS, Because approximately 2 million acres of federal public land in Nevada have been designated as wilderness areas and approximately 8.6 percent of the federal public land in Nevada that is".

Amend the preamble of the resolution, page 2, line 38, by deleting "imposes" and inserting: "is believed to impose".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Joint Resolution No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 648.

Amend the resolution, page 3, line 29, by deleting "grazing and" and inserting: "techniques for managing vegetation, including, without limitation, grazing, and the use of appropriately managed".

Amend the preamble of the resolution, page 1, between lines 11 and 12 by inserting:

"WHEREAS, A reasonable amount of wilderness area in this state provides for a diverse spectrum of recreational opportunities in Nevada, promotes tourism and provides a place for Nevadans to escape the pressures of urban growth; and".

Amend the preamble of the resolution, page 2, by deleting lines 7 through 9 and inserting:

"WHEREAS, Because approximately 2 million acres of federal public land in Nevada have been designated as wilderness areas and approximately 8.6 percent of the federal public land in Nevada that is".

Amend the preamble of the resolution, page 2, line 12, by deleting "imposes" and inserting: "is believed to impose".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblymen Leslie, Hettrick, Horne, Carpenter, Brown, and Oceguera.

Roll call on Assembly Bill No. 13:

YEAS—26.

NAYS—Andonov, Angle, Beers, Brown, Christensen, Geddes, Gibbons, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Marvel, Perkins, Weber—16.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 16.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 16:

YEAS—42.

NAYS—None.

Assembly Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254.

Bill read third time.

Roll call on Assembly Bill No. 254:

YEAS—42.

NAYS—None.

Assembly Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 267:

YEAS—42.

NAYS—None.

Assembly Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 686.

Amend sec. 4, page 2, line 16, by deleting "*gross*".

Amend sec. 4, page 2, by deleting line 17 and inserting: "*a fine of not more than $500; and*".

Amend sec. 5, page 2, line 35, by deleting "*gross*".

Amend sec. 5, page 2, by deleting line 36 and inserting: "*a fine of not more than $500; and*".

Amend sec. 6, page 3, by deleting lines 4 through 9 and inserting:

"*(a) Is guilty of a misdemeanor and shall be punished by a fine of not more than $500; and*".

Amend sec. 7, page 4, line 4, by deleting "*gross*".

Amend sec. 7, page 4, by deleting line 5 and inserting: "*a fine of not more than $500; and*".

Amend sec. 12, page 5, by deleting lines 14 through 21 and inserting: "~~(a) Paragraph (a)~~] *the provisions* of subsection 1 [~~is~~] *:*

(a) Is guilty of a misdemeanor [~~.~~

~~(b) Paragraph (b) of subsection 1 is guilty of a gross misdemeanor.~~

~~(c) Paragraph (c) of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~(d) Paragraph (d) of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~] *and shall be punished by a fine of not more than $500; and*

(b) In addition to".

Amend sec. 13, page 5, line 36, by deleting "*gross*".

Amend sec. 13, page 5, by deleting lines 37 through 40 and inserting: "*misdemeanor and* shall be punished by [~~imprisonment in the county jail for not more than 6 months or by~~] a fine of not [~~less than $100 nor~~] more than $500 . [~~, or by both fine and imprisonment.~~]".

Amend sec. 16, page 9, line 13, by deleting "*gross*".

Amend sec. 16, page 9, by deleting line 14 and inserting: "*a fine of not more than $500; and*".

Amend sec. 21, page 11, line 38, by deleting "*gross*".

Amend sec. 21, page 11, by deleting line 39 and inserting: "*a fine of not more than $500; and*".

Amend sec. 22, page 13, line 1, by deleting "*gross*".

Amend sec. 22, page 13, by deleting line 2 and inserting: "*a fine of not more than $500; and*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 516.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 516:

YEAS—40.

NAYS—Angle, Gibbons—2.

Assembly Bill No. 516 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 518.

Bill read third time.

Roll call on Assembly Bill No. 518:

YEAS—36.

NAYS—Angle, Beers, Brown, Buckley, Gustavson—5.

ABSENT—Anderson.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the vote whereby Assembly Bill No. 518 was this day passed be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 518.

Bill read third time.

Roll call on Assembly Bill No. 518:

YEAS—36.

NAYS—Angle, Beers, Brown, Buckley, Gustavson, Knecht—6.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 13.

Resolution read.

Remarks by Assemblymen Mortenson and Goldwater.

Roll call on Assembly Joint Resolution No. 13:

YEAS—41.

NAYS—Gibbons.

Assembly Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 15.

Resolution read.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Joint Resolution No. 15:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 13.

Bill read third time.

Roll call on Senate Bill No. 13:

YEAS—42.

NAYS—None.

Senate Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 287 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 287.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 715.

Amend sec. 5, page 6, by deleting lines 3 and 4 and inserting:

"*2. Any money that is appropriated to carry out the provisions of*".

Amend sec. 5, page 6, line 7, after "*Fund;*" by inserting "*and*".

Amend sec. 5, page 6, line 8, by deleting "*provisions; and*" and inserting "*provisions.*".

Amend sec. 5, page 6, by deleting lines 9 and 10.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 16.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 16:

YEAS—42.

NAYS—None.

Senate Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 24.

Bill read third time.

Roll call on Senate Bill No. 24:

YEAS—42.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 40.

Bill read third time.

Remarks by Assemblymen Carpenter and Brown.

Roll call on Senate Bill No. 40:

YEAS—39.

NAYS—Andonov, Collins, Gibbons—3.

Senate Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 43.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 43:

YEAS—42.

NAYS—None.

Senate Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 48.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Senate Bill No. 48:

YEAS—42.

NAYS—None.

Senate Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 54.

Bill read third time.

Remarks by Assemblyman Knecht.

Roll call on Senate Bill No. 54:

YEAS—42.

NAYS—None.

Senate Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 70.

Bill read third time.

Roll call on Senate Bill No. 70:

YEAS—42.

NAYS—None.

Senate Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 89.

Bill read third time.

Remarks by Assemblyman Brown.

Roll call on Senate Bill No. 89:

YEAS—42.

NAYS—None.

Senate Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 90.

Bill read third time.

Remarks by Assemblymen Brown, Horne, Anderson, Gibbons, and Koivisto.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 90 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 183 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 140.

Bill read third time.

Remarks by Assemblyman Knecht.

Roll call on Senate Bill No. 140:

YEAS—42.

NAYS—None.

Senate Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 141.

Bill read third time.

Remarks by Assemblyman Knecht.

Roll call on Senate Bill No. 141:

YEAS—42.

NAYS—None.

Senate Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 145.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 145:

YEAS—42.

NAYS—None.

Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 197.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 197:

YEAS—42.

NAYS—None.

Senate Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 199.

Bill read third time.

Remarks by Assemblymen Geddes, Williams, Hettrick, and Anderson.

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

Assembly in recess at 1:04 p.m.

ASSEMBLY IN SESSION

At 1:05 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 199 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Anderson.
Motion carried.

Assemblyman Manendo moved that Senate Bill No. 280 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Manendo.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 201.
Bill read third time.
Roll call on Senate Bill No. 201:
YEAS—31.
NAYS—Andonov, Angle, Beers, Brown, Carpenter, Gibbons, Goicoechea, Griffin, Gustavson, Hardy, Knecht—11.
Senate Bill No. 201 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 204.
Bill read third time.
Remarks by Assemblymen Angle, Goldwater, Giunchigliani, Anderson, Buckley, and Chowning.
Potential conflict of interest declared by Assemblywoman Chowning.
Roll call on Senate Bill No. 204:
YEAS—42.
NAYS—None.
Senate Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 207.
Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Senate Bill No. 207:

YEAS—42.

NAYS—None.

Senate Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 237.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 237:

YEAS—39.

NAYS—Andonov, Gibbons, Koivisto—3.

Senate Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 240, 266, 288, 297, 315, 322, 359, 363, 378, 383, 396, 405, 408, 424, 432, 434, 450, 465, 467, 469, 470, 478, 481, and 482 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

Assembly Bill No. 155.

The following Senate amendment was read:

Amendment No. 630.

Amend sec. 4, page 7, by deleting lines 24 through 39 and inserting:

"*2. Except as otherwise provided in subsection 3:*

(a) To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 1, the agency or political subdivision must:

(1) Require the person to submit a complete set of his fingerprints; and

(2) Forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(b) Only the Central Repository may:

(1) Receive fingerprints from an agency of the State or any political subdivision for submission to the Federal Bureau of Investigation pursuant to this section;

(2) Submit those fingerprints to the Federal Bureau of Investigation; and

(3) Receive a report from the Federal Bureau of Investigation based on the submission of those fingerprints.

3. If an agency or political subdivision that wishes to request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 1 is required by federal law to comply with specific procedures to request and receive such information from the Federal Bureau of Investigation:

(a) The provisions of subsection 2 do not apply to the agency or political subdivision; and

(b) The agency or political subdivision must comply with the specific procedures required by federal law.".

Amend sec. 7, page 10, by deleting lines 38 through 42 and inserting:

"2. The Administrator shall keep the results of the investigation confidential . ~~[, except that if the investigation discloses that the applicant has been convicted of any felony, the Administrator shall notify the applicant and the hiring institution of the conviction and the nature of the offense.]~~".

Amend the title of the bill, sixth line, after "licensing;" by inserting:

"revising certain provisions concerning background checks conducted on certain applicants for employment with private and certain other postsecondary educational institutions;".

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 630 to Assembly Bill No. 155.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 695.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 179.301 is hereby amended to read as follows:

179.301 1. The State Gaming Control Board and Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, ~~[for purposes of determining]~~ *to determine* the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or gaming work permit pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses or work permits.

2. The Central Repository *for Nevada Records of Criminal History* and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with NRS 179A.180 to 179A.240, inclusive.

3. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an

officer or employee of the Central Repository *for Nevada Records of Criminal History* or a law enforcement officer in the regular course of his duties.

4. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record of criminal history, or the records of criminal history of the United States or another state, relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.".

Amend section 1, page 2, line 14, by deleting: "sexual offenses and other" and inserting: "~~[sexual offenses and other]~~".

Amend section 1, page 2, line 35, by deleting: "Sexual offenses and other records" and inserting: "~~[Sexual offenses and other records]~~ *Records*".

Amend section 1, page 3, line 39, after "district" by inserting: "*or a private school*".

Amend section 1, page 3, line 41, by deleting "district," and inserting: "district ~~[,]~~ *or a private school,*".

Amend section 1, page 3, line 43, after "Instruction" by inserting: "*, or the administrator of each private school, as appropriate,*".

Amend section 1, page 4, by deleting line 4 and inserting: "school district *or the administrator of each private school, as appropriate,* by providing ~~[him]~~ *the superintendent or administrator* with a list of all persons:".

Amend section 1, page 4, line 6, after "district" by inserting: "*or private school*".

Amend section 1, page 4, line 13, after "district" by inserting: "*or the administrator of each private school, as applicable,*".

Amend section 1, page 4, line 14, after "district" by inserting: "*or private school, as applicable,*".

Amend section 1, page 5, between lines 19 and 20, by inserting:

"*(c) "Private school" has the meaning ascribed to it in NRS 394.103.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 11 and adding new sections designated sections 3 through 10, following section 1, to read as follows:

"Sec. 3. NRS 179A.080 is hereby amended to read as follows:

179A.080 The Director of the Department is responsible for administering this chapter and may adopt regulations for that purpose. The Director shall:

1. Adopt regulations for the security of the Central Repository so that it is adequately protected from fire, theft, loss, destruction, other hazards and unauthorized access.

2. Adopt regulations and standards for personnel employed by agencies of criminal justice in positions of responsibility for maintenance and dissemination of information relating to ~~[sexual offenses and other]~~ records of criminal history ~~[.]~~ *and information disseminated pursuant to NRS 179A.180 to 179A.240, inclusive.*

3. Provide for audits of informational systems by qualified public or private agencies, organizations or persons.

Sec. 4. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. ~~[The Central Repository shall disseminate to a prospective or current employer, upon request, information relating to sexual offenses concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information.~~

~~5.]~~ Records of criminal history must be disseminated by an agency of criminal justice upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective *or current* employers *of prospective or current employees or volunteers* if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Welfare Division of the Department of Human Resources or its designated representative.

(q) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of ~~[Title]~~ *Subchapter* IV of *Chapter 7 of Title 42 of* the Social Security Act, 42 U.S.C. §§ 651 et seq.

(r) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(s) The Commissioner of Insurance.

~~[6.]~~ *5.* Agencies of criminal justice in this state which receive information from sources outside this state concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 5. NRS 179A.110 is hereby amended to read as follows:

179A.110 No person who receives information relating to ~~[sexual offenses or other]~~ records of criminal history pursuant to this chapter *or who receives information pursuant to NRS 179A.180 to 179A.240, inclusive,* may disseminate it further without express authority of law or in accordance with a court order. This section does not prohibit the dissemination of material by an employee of the electronic or printed media in his professional capacity for communication to the public.

Sec. 6. NRS 179A.130 is hereby amended to read as follows:

179A.130 Each agency of criminal justice which maintains and disseminates information relating to ~~[sexual offenses or other]~~ records of criminal history must maintain a log of each dissemination of that information other than a dissemination of the fact that the agency has no record relating to a certain person. The log must be maintained for at least 1 year after the information is disseminated, and must contain:

1. An entry showing to what agency or person the information relating to ~~[sexual offenses or other]~~ records of criminal history were provided;
2. The date on which the information was provided;
3. The person who is the subject of the information; and
4. A brief description of the information provided.

Sec. 7. NRS 179A.140 is hereby amended to read as follows:

179A.140 1. ~~[An]~~ *Except as otherwise provided in this subsection, an* agency of criminal justice may charge a reasonable fee for information relating to ~~[sexual offenses or other]~~ records of criminal history ~~[furnished]~~ *provided* to any person or governmental entity . ~~[except]~~ *An agency of criminal justice shall not charge a fee for providing such information to* another agency of criminal justice ~~[and]~~ *if the information is provided for purposes of the administration of criminal justice, or for providing such information to* the State Disaster Identification Team of the Division of Emergency Management of the Department. The Central Repository shall not charge such a fee for information relating to a person regarding whom the Central Repository ~~[furnished]~~ *provided* a similar report within the immediately preceding 6 months in conjunction with the application by that person for professional licensure.

2. All money received or collected by the Department pursuant to this section must be used to defray the cost of operating the Central Repository.

Sec. 8. NRS 179A.150 is hereby amended to read as follows:

179A.150 1. The Central Repository and each state, municipal, county or metropolitan police agency shall permit a person, who is or believes he may be the subject of information relating to ~~[sexual offenses or other]~~ records of criminal history maintained by that agency, to appear in person during normal business hours of the agency and inspect any recorded information held by that agency pertaining to him. This right of access does not extend to data contained in intelligence, investigative or other related files, and does not include any information other than ~~[that defined as information relating to sexual offenses or]~~ *information contained in* a record of criminal history.

2. Each such agency shall adopt regulations and make available necessary forms to permit inspection and review of information relating to ~~[sexual offenses or]~~ other records of criminal history by those persons who are the subjects thereof. The regulations must specify:

(a) The reasonable periods during which the records are available for inspection;

(b) The requirements for proper identification of the persons seeking access to the records; and

(c) The reasonable charges or fees, if any, for inspecting records.

3. Each such agency shall procure for and furnish to any person who requests it and pays a reasonable fee therefor, all of the information contained in the Central Repository which pertains to the person making the request.

4. The Director of the Department shall adopt regulations governing:

(a) All challenges to the accuracy or sufficiency of information relating to ~~[sexual offenses or other]~~ records of criminal history by the person who is the subject of the allegedly inaccurate or insufficient record;

(b) The correction of any information relating to ~~[sexual offenses or other record]~~ *records* of criminal history found by the Director to be inaccurate, insufficient or incomplete in any material respect;

(c) The dissemination of corrected information to those persons or agencies which have previously received inaccurate or incomplete information; and

(d) A time limit of not more than 90 days within which inaccurate or insufficient information relating to ~~[sexual offenses or other]~~ records of criminal history must be corrected and the corrected information disseminated. The corrected information must be sent to each person who requested the information in the 12 months preceding the date on which the correction was made, and notice of the correction must be sent to each person entitled thereto pursuant to NRS 179A.210, to the address given by each person who requested the information when the request was made.

Sec. 9. NRS 179A.180 is hereby amended to read as follows:

179A.180 As used in NRS 179A.180 to 179A.240, inclusive, unless the context otherwise requires:

1. "Employee" means a person who renders time and services to an employer, *with or without compensation,* and whose regular course of duties places that person in a position to:

(a) Exercise supervisory or disciplinary control over children;

(b) Have direct access to or contact with children served by the employer; or

(c) Have access to information or records maintained by the employer relating to identifiable children served by the employer,

and includes a prospective employee, ~~[but does not include a]~~ volunteer or prospective volunteer.

2. "Employer" means a person, or a governmental agency or political subdivision of this state that is not an agency of criminal justice, whose employees regularly render services to children, including , without limitation , care, treatment, transportation, instruction, companionship, entertainment and custody.

Sec. 10. NRS 179A.190 is hereby amended to read as follows:

179A.190 1. Notice of information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4* may be disseminated to employers pursuant to NRS 179A.180 to 179A.240, inclusive.

2. An employer may consider such a notice of information concerning an employee when making a decision to hire, retain, suspend or discharge the employee, and is not liable in an action alleging discrimination based upon consideration of information obtained pursuant to NRS 179A.180 to 179A.240, inclusive.

3. The provisions of NRS 179A.180 to 179A.240, inclusive, do not limit or restrict any other statute specifically permitting the dissemination or release of information relating to ~~[sexual offenses.]~~ *the offenses listed in subsection 4.*

4. The offenses for which a notice of information may be disseminated pursuant to subsection 1 includes information contained in or concerning a record of criminal history, or the records of criminal history of the United States or another state, relating in any way to:

(a) A sexual offense;

(b) Murder, voluntary manslaughter or mayhem;

(c) Assault with intent to kill or to commit mayhem;

(d) Abuse or neglect of a child or contributory delinquency;

(e) A violation of any provision of chapter 453 of NRS;

(f) A violation committed within the immediately preceding 7 years of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) A violation of any provision of NRS 200.5099;

(h) A violation of any provision of NRS 484.379 or 484.3795;

(i) Any offense committed within the immediately preceding 7 years involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property; or

(j) Any other felony committed within the immediately preceding 7 years involving the use of a firearm or other deadly weapon.

5. The information described in subsection 4 includes acts committed outside this state that would constitute any of the offenses listed in that subsection if committed in this state, and the aiding, abetting, attempting or conspiring to engage in any of the offenses listed in that subsection.".

Amend sec. 2, page 5, line 22, by deleting "sexual offenses" and inserting: "~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190*".

Amend sec. 2, page 5, lines 24 and 25, by deleting "sexual offenses" and inserting: "~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190*".

Amend sec. 2, page 5, line 38, by deleting "sexual offenses" and inserting: "~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190*".

Amend the bill as a whole by renumbering sections 3 through 48 as sections 17 through 62 and adding new sections designated sections 12 through 16, following sec. 2, to read as follows:

"Sec. 12. NRS 179A.210 is hereby amended to read as follows:

179A.210 1. Upon receipt of a request from an employer for notice of information relating to ~~[sexual offenses,]~~ *the offenses listed in subsection 4 of NRS 179A.190,* the Central Repository shall undertake a search for the information, unless the request does not conform to the requirements of the Repository. The search must be based on the ~~[employee's fingerprints,]~~ *fingerprints of the employee,* or on a number furnished to the employee for identification pursuant to a previous search, as provided by the employer, and must include:

(a) Identifying any information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* concerning the employee in the Central Repository;

(b) Requesting information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* concerning the employee from federal repositories and repositories of other states, if authorized by federal law or an agreement entered into pursuant to NRS 179A.075;

(c) If the information pertains to an arrest for which no disposition has been reported, contacting appropriate officers in the local jurisdiction where the arrest or prosecution occurred to verify and update the information; and

(d) Determining whether the information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* is the type of information for which notice is subject to dissemination pursuant to this section.

2. Notice of information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* may be disseminated to an employer who has requested it only if a check of the pertinent records indicates:

(a) A conviction for ~~[a sexual]~~ *any such* offense, or a conviction based on an arrest or on an initial charge for ~~[a sexual]~~ *any such* offense;

(b) An arrest or an initial charge for ~~[a sexual]~~ *any such* offense *that is* pending at the time of the request; or

(c) Two or more incidents resulting in arrest or initial charge for ~~[a sexual]~~ *any such* offense that have not resulted in a conviction.

3. If a search of the records of the Central Repository reveals no information for which notice is subject to release, the Central Repository shall submit the fingerprints of the employee to the Federal Bureau of Investigation for a search of its records of criminal history. The Central Repository shall review all information received from the Federal Bureau of Investigation. Notice of any information received from the Federal Bureau of Investigation may be disseminated only if the information is of a kind for which notice is subject to release pursuant to this section.

4. Within 30 days after receipt of a request by an employer for notice of information relating to ~~[sexual offenses,]~~ *the offenses listed in subsection 4 of NRS 179A.190,* the Central Repository shall send a written report of the results of the search to the employer and to the employee, except that if the employee has waived his right to receive the results of the search, the report must be sent only to the employer. If the search revealed:

(a) No information for which notice is subject to release, the report must include a statement to that effect; or

(b) Information about the employee for which notice is subject to release, the report must include a notice of the type of information, limited to the descriptions set forth in subsection 2, revealed by the search. The notice must not include any further facts or details concerning the information. A statement of the purpose for which the notice is being disseminated, and the procedures by which the employee might challenge the accuracy and sufficiency of the information, must also be included with the report.

5. Upon receipt of corrected information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* for which notice was disseminated under this section, the Central Repository shall send written notice of the correction to:

(a) The employee who was the subject of the search, unless the employee has waived his right to receive such a notice;

(b) All employers to whom notice of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee, any other employers who previously received the information.

6. Upon receipt of new information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* concerning an employee who was the subject of a search within the previous 3 months, for which notice is subject to dissemination under this section, the Central Repository shall send written notice of the information to:

(a) The employee who was the subject of the search, unless the employee has waived his right to receive such a notice;

(b) All employers to whom a report of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee, any other employers who previously received a report of the results of the search.

Sec. 13. NRS 179A.230 is hereby amended to read as follows:

179A.230 1. A person who is the subject of a request for notice of information ~~[relating to sexual offenses]~~ pursuant to NRS 179A.180 to 179A.240, inclusive, may recover his actual damages in a civil action against:

(a) The Central Repository for an intentional or grossly negligent:

(1) Dissemination of information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* not authorized for dissemination; or

(2) Release of information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* to a person not authorized to receive the information;

(b) The Central Repository for an intentional or grossly negligent failure to correct any notice of information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* which was disseminated pursuant to NRS 179A.180 to 179A.240, inclusive; or

(c) An employer, representative of an employer or employee for an intentional or grossly negligent violation of NRS 179A.110. Punitive damages may be awarded against an employer, representative of an employer or employee whose violation of NRS 179A.110 is malicious.

2. An employer is liable to a child served by the employer for damages suffered by the child as a result of ~~[a sexual]~~ *an* offense *listed in subsection 4 of NRS 179A.190* committed against the child by an employee ~~[hired on or after January 1, 1988,]~~ if, at the time the employer hired the employee, the employee was the subject of information relating to ~~[sexual]~~ *the* offenses for which notice was available for dissemination to the employer and the employer:

(a) Failed, without good cause, to request notice of the information pursuant to NRS 179A.180 to 179A.240, inclusive; or

(b) Was unable to obtain the information because the employee refused to consent to the search and release of the information, and the employer hired or retained the employee despite this refusal. The amount of damages for which an employer is liable pursuant to this subsection must be reduced by the amount of damages recovered by the child in an action against the employee for damages sustained as a result of ~~[the sexual offense.]~~ *an offense listed in subsection 4 of NRS 179A.190.*

3. An action pursuant to this section must be brought within 3 years after:

(a) The occurrence upon which the action is based; or

(b) The date upon which the party bringing the action became aware or reasonably should have become aware of the occurrence, whichever was earlier, if he was not aware of the occurrence at the time of the occurrence.

4. This section does not limit or affect any other rights, claims or causes of action arising by statute or common law.

5. For the purposes of subsection 2:

(a) "Employee" does not include a volunteer or prospective volunteer.

(b) In any civil action brought against an employer with respect to a volunteer or prospective volunteer, the fact that the employer did not request notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 pursuant to NRS 179A.180 to 179A.240, inclusive, must not be considered as evidence of negligence or causation.

Sec. 14. NRS 179A.240 is hereby amended to read as follows:

179A.240 A person who knowingly and willfully:

1. Uses NRS 179A.180 to 179A.240, inclusive, to obtain or seek to obtain information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* under false pretenses;

2. Disseminates or attempts to disseminate information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* that he knows was not received in accordance with the provisions of this chapter; or

3. Disseminates or attempts to disseminate information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* that he knows is false, inaccurate or incomplete, is guilty of a misdemeanor.

Sec. 15. NRS 179A.310 is hereby amended to read as follows:

179A.310 1. The revolving Account to Investigate the Background of Volunteers Who Work With Children is hereby created in the State General Fund.

2. The Director of the Department shall administer the Account to Investigate the Background of Volunteers Who Work With Children. The money in the Account must be expended only to pay the costs of the Central Repository to process requests from nonprofit agencies to determine whether a volunteer of a nonprofit agency who works directly with children or a prospective volunteer of the nonprofit agency who will work directly with children has committed ~~[a sexual offense.]~~ *an offense listed in subsection 4 of NRS 179A.190.* The existence of the Account to Investigate the Background of Volunteers Who Work With Children does not create a right in any person to receive money from the Account.

3. The Director of the Department may apply for and accept any gift, donation, bequest, grant or other source of money. Any money so received must be deposited in the Account to Investigate the Background of Volunteers Who Work With Children.

4. The interest and income earned on money in the Account from any gift, donation ~~[,]~~ or bequest, after deducting any applicable charges, must be credited to the Account. Money from any gift, donation ~~[,]~~ or bequest that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The Director of the Department shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation:

(a) The procedure by which a person may apply for a grant of money from the Account to Investigate the Background of Volunteers Who Work With Children;

(b) The criteria that the Department will consider in determining whether to award such a grant of money from the Account; and

(c) Procedures to distribute the money in the Account in a fair and equitable manner.

6. The following facts must not be considered as evidence of negligence or causation in any civil action brought against a nonprofit agency:

(a) The fact that the nonprofit agency did not apply for a grant of money from the Account.

(b) The fact that the nonprofit agency did not request that the Central Repository, through the use of the Account, determine whether a volunteer or prospective volunteer of the nonprofit agency has committed ~~[a sexual offense.]~~ *an offense listed in subsection 4 of NRS 179A.190.*

Sec. 16. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall, in a manner prescribed by the Director, establish within the Central Repository a program to provide the public with access to certain information contained in the statewide registry. The program may include, but is not limited to, the use of a secure website on the Internet or other electronic means of communication to provide the public with access to certain information contained in the statewide registry if such information is made available and disclosed in accordance with the procedures set forth in this section.

2. Before a search of the statewide registry is conducted on behalf of a requester seeking information from the program, the requester must provide his name, address and telephone number and the following information concerning the identity of the subject of the search:

(a) The name of the subject of the search and at least one of the following items:

(1) The social security number of the subject of the search;

(2) The identification number from a driver's license or an identification card issued to the subject of the search by this state; or

(3) The date of birth of the subject of the search; or

(b) The name and address of the subject of the search and all of the following items:

(1) The race or ethnicity of the subject of the search;

(2) The hair color and eye color of the subject of the search;

(3) The approximate height and weight of the subject of the search; and

(4) The approximate age of the subject of the search. After conducting a search based upon information provided pursuant to paragraph (a) or (b), the Central Repository may require the requester to provide additional information to confirm the identity of the subject of the search. The additional information may include, but is not limited to, the license number from a motor vehicle frequently driven by the subject of the search, the employer of the subject of the search or any information listed in paragraph (a) or (b) that was not provided for the initial search.

3. After conducting a search of the statewide registry on behalf of a requester, the Central Repository shall inform the requester that:

(a) No person listed in the statewide registry matches the information provided by the requester concerning the identity of the subject of the search;

(b) The requester needs to provide additional information concerning the identity of the subject of the search before the Central Repository may disclose the results of the search; or

(c) A person listed in the statewide registry matches the information provided by the requester concerning the identity of the subject of the search. If a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository:

(1) Shall inform the requester of each offense for which the subject of the search was convicted and the date and location of each conviction.

(2) May, through the use of a secure website on the Internet or other electronic means of communication, provide the requester with a photographic image of the subject of the search if such an image is available.

(3) Shall not provide the requester with any other information that is included in the record of registration for the subject of the search.

4. For each inquiry to the program, the Central Repository shall:

(a) Charge a fee to the requester;

(b) Maintain a log of the information provided by the requester to the Central Repository and the information provided by the Central Repository to the requester; and

(c) Inform the requester that information obtained through the program may not be used to violate the law or the individual rights of another person and that such misuse of information obtained through the program may subject the requester to criminal prosecution or civil liability for damages.

5. A person may not use information obtained through the program as a substitute for information relating to ~~[sexual]~~ *the* offenses *listed in subsection 4 of NRS 179A.190* that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.".

Amend the bill as a whole by renumbering sec. 49 as sec. 64 and adding a new section designated sec. 63, following sec. 48, to read as follows:

"Sec. 63. NRS 179A.065 and 179B.120 are hereby repealed.".

Amend the bill as a whole by adding the text of repealed sections, following sec. 49, to read as follows:

"

TEXT OF REPEALED SECTIONS

179A.065 "Information relating to sexual offenses" defined. "Information relating to sexual offenses" means information contained in or concerning a record of criminal history, or the records of criminal history of the United States or another state, relating in any way to a sexual offense.

179B.120 "Sexual offense" defined. "Sexual offense" has the meaning ascribed to it in NRS 179D.410.".

Amend the title of the bill by deleting the seventh through tenth lines and inserting: "authorizing the Central Repository for Nevada Records of Criminal History to conduct investigations and to disseminate certain information concerning applicants and employees of private schools; expanding the offenses about which certain employers may obtain information concerning employees; authorizing such employers to obtain the same information about volunteers and prospective volunteers; revising certain provisions concerning background checks conducted on certain applicants for employment with private and certain other postsecondary educational institutions; providing a penalty; and providing other matters properly relating".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes regarding background checks for purposes of employment and licensing. (BDR 14-430)".

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 695 amendment to Assembly Bill No. 155.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the action whereby Senate Bill No. 413 was referred to the Committee on Education be rescinded.

Motion carried.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 36, 56, 67, 69, 87, 91, 126, 138, 147, 192, 208, 213, 216, 224, 226, 237, 246, 256, 262, 270, 273, 275, 301, 318, 346, 349, 367, 378, 403, 407, 420, 427, 489, 497, 501; Assembly Joint Resolution No. 3; Assembly Concurrent Resolutions Nos. 20, 22, 23, 24, 25, 26; Senate Bills Nos. 79, 84, 107, 113, 172, 224, 269, 277, 337, 397, 412, 484; Senate Joint Resolutions Nos. 1, 2; Senate Concurrent Resolutions Nos. 11, 34, 35.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Addy Marie Fowler.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Wade Pope.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Larkin.

On request of Assemblyman Griffin, the privilege of the floor of the Assembly Chamber for this day was extended to Shawn Uhland, Audrey Uhland, and Dan Oster.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Emile Uhland and Rachel Uhland.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Hataway, David Lowe, Shari Kind, Becky Smith, Judy Kirka, Tami Abeloe, A.J. Huntington, Lisa Fleming, Jessica Reeves, Keli Brandenburg,

Monette Miller, Yer Her, Linda Marcin, Winnie Duong, Laura Jarett, Valerie Byrne, Laura Richards, Carley Allison, Ana Castro, Kevin Chisum, Bryant De Paz, John Dumbauld, Connie Duong, Tyler Duve´, Jessie Fleming, Aaron Friesen, Odalis Gomez, Caitlin Harrison, Brittany Hill, Thaddeus Hunter, Jessica Jarett, Caleb Jeffers, Kira Keefe, Jonathan Lanuza, Kim Marcin, Damien McIver, Rebecca Miller, Evan Richards, Sara Shores, Dan Steele, Katrina Toboada, Briar Timmons, Lue Vang, Kristin Withrow, Kevin Hight, Cassie Broadbent, Alberto Soriano, Meaghan Foreman, Adrian Lopez, Kimmy Bates, Zane Ware, Nick Westemeier, Chris Miller, Omar Rios, Jessica Meligan, and Emily Barbera.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to John Leverich.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, May 16, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:29 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 16, 2003

Assembly called to order at 11:27 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Oceguera, who was excused.

Prayer by the Chaplain, Reverend Albert Tilstra.

Help us to be the best we can be, Lord. We sometimes forget how special we are in this nation. Help us to use our power for good in the world. Be with the legislators in this Body today. May they not forget that economic interests are not as important as human interest and that our monetary might can save lives if we are willing to share it with all those in need. These men and women in this Chamber are lamps of light to people in the dark places. They are ambassadors of dreams to those who dare not express themselves. They are warriors of the spirit of love, peace, and the pursuit of happiness to those who know only basic human survival. Don't let us forget, Lord, who we are and what we have to offer.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Senate Bill No. 59, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 50, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 313, 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Senate Bills Nos. 72, 276, 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 179, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

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

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:35 a.m.
Mr. Speaker presiding.
Quorum present.

Senate Concurrent Resolution No. 7.
Assemblywoman Buckley moved the adoption of the resolution.
Remarks by Assemblywoman Buckley.
Resolution adopted, as amended.

Senate Concurrent Resolution No. 12.
Assemblywoman Koivisto moved the adoption of the resolution.
Remarks by Assemblywoman Koivisto.
Resolution adopted.

Senate Concurrent Resolution No. 15.
Assemblywoman McClain moved the adoption of the resolution.
Remarks by Assemblywomen McClain and Chowning.
Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 286.
Bill read second time and ordered to third reading.

Assembly Bill No. 471.
Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 713.

Amend section 1, page 1, by deleting lines 1 through 7 and inserting:

"Section 1. There is hereby appropriated from the State General Fund to".

Amend section 1, page 2, line 1, by deleting "$9,053,621" and inserting "$11,678,558".

Amend the title of the bill by deleting the first through fourth lines and inserting:

"AN ACT making a supplemental appropriation to the Division of Health Care Financing and Policy of the Department of Human Resources for a shortfall in budgeting in Fiscal Year 2002-2003".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes supplemental appropriation to Division of Health Care Financing and Policy of Department of Human Resources for shortfall in budgeting in Fiscal Year 2002-2003 for Medicaid caseload and county-match requirements. (BDR S-1227)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Joint Resolution No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Constitutional Amendments:

Amendment No. 704.

Amend the resolution, pages 1 and 2, by deleting lines 4 through 15 on page 1 and lines 1 through 17 on page 2, and inserting:

"*Sec. 29A. 1. The Legislature shall adjourn sine die each regular session held in an odd-numbered year not later than midnight of the 120th legislative day or of the 140th calendar day, whichever occurs first. Any legislative action taken after midnight of the 120th legislative day or of the 140th calendar day of that session is void, unless the legislative action is conducted during a special session.*

2. The Legislature shall adjourn sine die each regular session held in an even-numbered year not later than midnight of the 45th calendar day of that session. Any legislative action taken after midnight of the 45th calendar day is void, unless the legislative action is conducted during a special session.

And be it further

RESOLVED, That a new section, designated Sec. 2A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon petition signed by two-thirds of the members of each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. No bills, except those related to the business specified in the petition and those necessary to provide for the expenses of session, may be introduced at a special session convened pursuant to this section.

3. A special session convened pursuant to this section takes precedence over a special session called by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition calling for the special session.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

5. The Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight of the 20th calendar day of

that session. Any legislative action taken after midnight on the 20th calendar day is void.".

Amend the resolution, pages 2 and 3, by deleting lines 21 through 44 on page 2 and lines 1 through 3 on page 3, and inserting:

"Sec. 2. 1. The sessions of the Legislature shall be ~~[biennial,]~~ *annual,* and shall commence on the 1st Monday of February *,* ~~[following the election of members of the Assembly,]~~ unless the Governor of the State *or the members of the Legislature* shall, in the interim, convene the Legislature by proclamation ~~[.~~

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

~~3.]~~ *or petition.*

2. The Governor shall submit *:*".

Amend the resolution, page 3, line 9, by deleting "*30*" and inserting "*21*".

Amend the resolution, page 3, by deleting lines 11 through 19.

Amend the resolution, page 3, by deleting lines 25 through 28 and inserting: "and paid out of the public treasury, for not to exceed 60 days during any regular session of the legislature *conducted during odd-numbered years, not to exceed 45 days during any regular session of the legislature conducted during even-numbered years* and not to exceed 20 days during any special session *;* ~~[convened by the governor;]~~ but no increase of".

Amend the resolution, page 3, by deleting lines 34 and 35 and inserting: "not exceeding the sum of Sixty dollars for any general or special session to each member; and".

Amend the resolution, pages 3 and 4, by deleting lines 44 and 45 on page 3 and lines 1 through 7 on page 4, and inserting:

"~~[Sec. 9. The]~~

Sec. 9. 1. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the Governor may *,* on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses *,* when organized, the purpose for which they have been convened . ~~[, and the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.]~~

2. No bills, except those related to the purpose for which the Legislature has been specially convened and those necessary to provide for the expenses of the session, may be introduced at a special session convened pursuant to this section.

3. The Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight of the 20th calendar day of that session. Any legislative action taken after midnight on the 20th calendar day is void.

And be it further

RESOLVED, That Section 12 of Article 17 of the Nevada Constitution be amended to read as follows:

Sec. 12. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter . ~~[biennially.]~~".

Amend the resolution, page 7, by deleting lines 6 through 22 and the text of repealed section.

Amend the title of the resolution to read as follows:

"ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to revise provisions relating to legislative sessions.".

Amend the summary of the resolution to read as follows:

"SUMMARY—Proposes to amend Nevada Constitution to revise provisions relating to legislative sessions. (BDR C-43)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 27.

Bill read second time and ordered to third reading.

Senate Bill No. 36.

Bill read second time and ordered to third reading.

Senate Bill No. 62.

Bill read second time and ordered to third reading.

Senate Bill No. 78.

Bill read second time and ordered to third reading.

Senate Bill No. 103.

Bill read second time and ordered to third reading.

Senate Bill No. 122.

Bill read second time and ordered to third reading.

Senate Bill No. 123.

Bill read second time and ordered to third reading.

Senate Bill No. 134.

Bill read second time and ordered to third reading.

Senate Bill No. 221.

Bill read second time and ordered to third reading.

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

Assembly in recess at 11:52 a.m.

ASSEMBLY IN SESSION

At 12:26 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which were referred Senate Bills Nos. 390, 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 548—AN ACT relating to public health; abolishing the Commission on Substance Abuse Education, Prevention, Enforcement and Treatment within the Department of Public Safety; abolishing the Fund for Substance Abuse Education, Prevention, Enforcement and Treatment; providing for the transfer of money in the Fund to the Department of Human Resources' Gift Fund; repealing the requirement of establishing pilot projects in family resource centers to provide services relating to substance abuse; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 629.

Amend sec. 5, page 4, line 22, by deleting "*Each*" and inserting: "*Except as otherwise provided in subsection 5, each*".

Amend sec. 5, page 5, line 13, after "*5.*" by inserting: "*A food establishment is not required to post the sign otherwise required by this*

section if the food establishment provides to its patrons a food or drink menu that contains a notice, in boldface type that is clearly legible and not less than the size of the type used for the items on the menu, in substantially the same form and language as is set forth in subsection 2 or authorized pursuant to paragraph (a) of subsection 4.

6.".

Amend the title of the bill by deleting the first through third lines and inserting:

"AN ACT relating to public health; requiring the posting of warnings in certain food establishments in which alcoholic beverages are sold regarding the dangers of drinking such".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires posting of warnings in certain food establishments regarding risk of drinking alcoholic beverages during pregnancy and merges Advisory Subcommittee on Fetal Alcohol Syndrome into Advisory Board on Maternal and Child Health. (BDR 40-6)".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 351.

Bill read second time and ordered to third reading.

Senate Bill No. 410.

Bill read second time and ordered to third reading.

Senate Bill No. 456.

Bill read second time and ordered to third reading.

Senate Bill No. 471.

Bill read second time and ordered to third reading.

Senate Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 642.

Amend section 1, page 2, line 42, by deleting "1997." and inserting:

"1997 ~~[.]~~ *, or to an exempt wholesale generator, as defined in 15 U.S.C. § 79z-5a.*".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 476.

Bill read second time and ordered to third reading.

Senate Bill No. 493.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 392 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 392 be taken from its position on the General File and placed on the General File immediately following Assembly Joint Resolution No. 6.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 359 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 359.

Bill read third time.

The following amendment was proposed by Assemblyman Manendo:

Amendment No. 615.

Amend sec. 12, pages 9 and 10, by deleting lines 40 through 44 on page 9 and lines 1 through 10 on page 10, and inserting:

"Sec. 12. 1. Any provision in:

(a) An ordinance, regulation or plan of a governing body described in section 1 of this act;

(b) A covenant, condition or restriction described in section 3 of this act;

(c) A governing document of an executive board of a common-interest community described in section 4 of this act;

(d) A rental agreement or policy of a landlord described in section 5 or 8 of this act; or

(e) An employee handbook or policy of a local government employer described in section 11 of this act,

that is in effect on the effective date of this act and which is contrary to the provisions of this act is void and unenforceable.

2. On or before October 1, 2003, the persons or entities described in this subsection shall review and amend as necessary to ensure compliance with the provisions of this act:

(a) In the case of a governing body described in section 1 of this act, the ordinances, regulations and plans of the governing body.

(b) In the case of an executive board of a common-interest community described in section 4 of this act, the governing documents of the common-interest community.

(c) In the case of a landlord described in section 5 or 8 of this act, the policies of the landlord.

(d) In the case of a local government employer described in section 11 of this act, the employee handbooks, if any, and policies of the employer.

3. A landlord described in section 5 or 8 of this act shall review his rental agreements that are in effect on the effective date of this act to ensure compliance with the provisions of this act and, on or before the date for renewal of such an agreement:

(a) Remove any provision of such an agreement that is void and unenforceable pursuant to subsection 1; and

(b) Add the information required by paragraph (n) of subsection 2 of NRS 118A.200, as amended by section 7 of this act, or paragraph (n) of subsection 2 of NRS 118B.040, as amended by section 9 of this act, as applicable.

4. Between the effective date of this act and the date on which a landlord described in section 5 or 8 of this act brings his rental agreements into compliance with this act pursuant to subsection 3, the landlord shall:

(a) Provide notice of the right of a tenant to engage in the display of the flag of the United States, as set forth in section 5 or 8 of this act, as applicable, to each tenant who is subject to such an agreement; or

(b) Post a notice of the right of a tenant to engage in the display of the flag of the United States, as set forth in section 5 or 8 of this act, as applicable, in a conspicuous and readily accessible place on the property or in the park.”.

Amend the bill as a whole by adding the following Assemblymen as primary joint sponsors: Assemblymen Griffin and Hettrick.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 41.

Bill read third time.

Remarks by Assemblymen Collins, Angle, Carpenter, Giunchigliani, and Claborn.

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

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. The bill changes Wildlife back to a department, on its own, instead of a division, which it formally was. It is going to be 97 percent self-funded by those who participate in the industry and will be better run. Another part of the bill amends a section to allow for State Wildlife Commissioners to participate in the budget process, before the Governor approves it. I urge your support.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I rise in support A.B. 41, but I would like for the record to show and make it known that the legislative intent of this bill is to have the Wildlife Commission read and approve the budget of the department.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. My remarks are along the same line. I'm going to vote for this bill because I do believe it needs to be a division and not just a part of the Department of Conservation. I think, when this bill originally was drafted and the Wildlife boards in the various counties voted to endorse it, it said the Commission was going to approve the budget. Now, it reads that they can only recommend on it. I believe the Commission is the one that should be doing this because they're the ones the hunters and the ones interested in this area can go to and get some input from. For that reason, I just wanted to say I don't agree with the wording, but do agree it should be a division. Thank you.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Assembly Bill No. 41 was brought into Ways and Means for us to review exactly the language discussed because we had some concerns the policy had changed. We don't have any other group or organization or board or commission that actually adopts its own budget. That is the process for the Executive Branch and this keeps that separation of powers. It did give the opportunity for those who pay a lot of the fees, to have better input through public hearings and actually make a recommendation to the Governor for the purposes of a budget for this division. So, I think that gave us a comfort level in the money committee, that we weren't changing state policy, but also gave some more input for the hunters and fishermen and women, etc. So, I think, in the long run, we felt comfortable with that part of it.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I just wanted to clarify, in the bill, that existing law states that the Wildlife Commission would review and comment. The change in the law, on that line, is that they would review and make a recommendation. In no way does that supercede the Executive Budget. I just want to make sure that's clear. The intent is that they are allowed to be more of a participant, because it primarily is their funds. The Budget Director and the Governor's Office and the legislature make the ultimate decision of dollars.

ASSEMBLYMAN CLABORN:

Thank you, Mr. Speaker. I rise to support AB 41. This is really a good bill. I hope that all my hunter and fishermen colleagues support it. I certainly do. We need your help on it. Thank you very much.

Roll call on Assembly Bill No. 41:

YEAS—41.

NAYS—None.

EXCUSED—Oceguera.

Assembly Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 130:

YEAS—41.

NAYS—None.

EXCUSED—Oceguera.

Assembly Bill No. 130 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Roll call on Assembly Bill No. 249:

YEAS—41.

NAYS—None.

EXCUSED—Oceguera.

Assembly Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 257.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 257:

YEAS—41.

NAYS—None.

EXCUSED—Oceguera.

Assembly Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332.

Bill read third time.

Remarks by Assemblymen Gustavson, Arberry, and Buckley.

Roll call on Assembly Bill No. 332:

YEAS—39.

NAYS—None.

NOT VOTING—Angle, Gustavson—2.

EXCUSED—Oceguera.

Assembly Bill No. 332 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 469:

YEAS—41.

NAYS—None.

EXCUSED—Oceguera.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 476.

Bill read third time.

Roll call on Assembly Bill No. 476:
YEAS—37.
NAYS—Angle, Buckley, Gustavson, Pierce—4.
EXCUSED—Oceguera.
Assembly Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 542.
Bill read third time.
Roll call on Assembly Bill No. 542:
YEAS—41.
NAYS—None.
EXCUSED—Oceguera.
Assembly Bill No. 542 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 543.
Bill read third time.
Roll call on Assembly Bill No. 543:
YEAS—40.
NAYS—Gustavson.
EXCUSED—Oceguera.
Assembly Bill No. 543 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.
Resolution read.
Remarks by Assemblymen Hettrick and Beers.
Roll call on Assembly Joint Resolution No. 5:
YEAS—41.
NAYS—None.
EXCUSED—Oceguera.
Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.
Resolution read.
Remarks by Assemblyman Hardy.
Roll call on Assembly Joint Resolution No. 6:
YEAS—41.
NAYS—None.
EXCUSED—Oceguera.
Assembly Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 717.

Amend section 1, page 1, by deleting lines 6 through 15 and inserting: "standard or better with 8 years *or more* of continuous service ~~[are]~~ *is* entitled to receive ~~[$75 semiannually with]~~ a semiannual ~~[increase of]~~ *payment of $75 plus:*

(a) An additional $25 *for each year of the employee's ninth through fourteenth years of continuous service;*

(b) An additional $50 for each year of the employee's fifteenth through twenty-fourth years of continuous service; and

(c) An additional $75 for each additional year of *continuous* service *after 24 years,* up to a maximum of 30".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 284.179 is hereby amended to read as follows:

284.179 The professional employees of the University and Community College System of Nevada are not entitled to receive the ~~[increases]~~ *payments* provided in NRS 284.177.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 358 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 358.

Bill read third time.

Remarks by Assemblymen Christensen and Collins.

Potential conflict of interest declared by Assemblyman Collins.

Roll call on Senate Bill No. 358:

YEAS—41.

NAYS—None.

EXCUSED—Oceguera.

Senate Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Roll call on Senate Bill No. 37:

YEAS—41.

NAYS—None.

EXCUSED—Oceguera.

Senate Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 183 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 183.

Bill read third time.

Remarks by Assemblymen Gibbons, Gustavson, Goldwater, Angle, Hardy, and Mabey.

Potential conflict of interest declared by Assemblyman Hardy.

Roll call on Senate Bill No. 183:

YEAS—39.

NAYS—Angle, Gustavson—2.

EXCUSED—Oceguera.

Senate Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 68.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 68:

YEAS—41.

NAYS—None.

EXCUSED—Oceguera.

Senate Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 94.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 94:

YEAS—41.

NAYS—None.

EXCUSED—Oceguera.

Senate Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 105, 124, 139, 148, 150, 159, 186, 198, 206, 231, 240, 255, 266, 287, 288, 297, 299, 310, 315, 317, 322, 363, 373, 378, 383, 387, 394, 396, 405, 408, 424, 432, 434, 450, 465, 466, 467, 469, 470, 478, 481, 482, 485, 486, 490; Senate Joint Resolutions Nos. 3 and 4 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 71, 86, 103, 221, 231, 233, 235, 245, 285, 344, and 375.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy MacLean, Jade Zahreddine, and Yiwen Zhang.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Smith, Susannah Hooper-Howe, Jacqueline Mongillo, Leslie Martin, Terra Koenig, Jeff Ritchie, Tracy Hancock, Cody Baltazar, David Brown, Robert Conway, Taylor Cooper, Matthew DeRose, Olivia Dillon, Dillon Grant, Alyxxandria Godwin, Megan Hancock, Regina Jamanila, Joshua Kilpatrick, Kennedy Koenig, Carly Martin, Kellie Mongillo, K.C. O'Connor, Michael Pearson, Jared Rogers, Shelby Schelling, Alexander South, Steven Woodward, Kenna Yates, Monette Jenkins, Jordan Smith, Allyson Evers, and Tyler Huff.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Joi Abarintos, Hope Abarintos, Candace Guantero, Andrea Guantero, Natalie Ventic, and Ladd K. Heleloa.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Smith.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Marian Setterfield.

Assemblywoman Buckley moved that the Assembly adjourn until Saturday, May 17, 2003, at 8:00 a.m.

Motion carried.

Assembly adjourned at 1:19 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND FOURTH DAY

CARSON CITY (Saturday), May 17, 2003

Assembly called to order at 8:17 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Goicoechea, Mabey, Oceguera, and Ohrenschall, who were excused.

Prayer by the Chaplain, Reverend Marvin Dennis.

Heavenly Father, on this Saturday morning, I ask for You to give to these hard working Assemblypersons the wisdom and guidance to deal with the business swiftly for the good of the great state of Nevada. Thank You, Lord.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Goldwater moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 10, 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 7, 8, 83, 248, 281, 283, 323, 422, 427, 428, 429, 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 29, 515; Senate Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Assemblyman Richard Perkins

For: Senate Bill No. 400.

To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 15, 2003.

WILLIAM J. RAGGIO	RICHARD D. PERKINS
Senate Majority Leader	*Speaker of the Assembly*

Assemblyman Williams moved that Senate Bill No. 390 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Buckley moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 11.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 703.

Amend the resolution, pages 1 and 2, by deleting lines 12 through 14 on page 1 and lines 1 through 44 on page 2, and inserting:

"*2. The Board of Regents consists of nine members. Except as otherwise provided in this subsection, one member must be elected from each congressional district in this state and the remaining positions, if any, must be filled by the Governor by appointment. If at any time this state is apportioned more than nine congressional seats, the Legislature shall provide for the districts from which the nine members of the Board of Regents must be elected.*

3. The Legislature shall provide for the arrangement of the terms of the elected members of the Board of Regents so that an equal number of terms, as nearly as may be, expire every 2 years. The Governor shall provide for the arrangement of the terms of the appointed members of the Board of Regents so that an equal number of terms, as nearly as may be, expire every 2 years. After initial terms of 2 or 4 years to ensure staggered terms, each member of the Board of Regents shall serve a term of 4 years, and until his successor is elected and qualified or appointed and qualified.

4. If a vacancy occurs during the term of a member appointed by the Governor, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

5. In appointing the members of the Board of Regents, the Governor shall:

(a) Appoint the members based on the qualifications for appointment provided by the Legislature; and

(b) Give consideration to appointing".

Amend the resolution, page 3, line 3, by deleting "*four*" and inserting: "*two-thirds of the appointed*".

Amend the resolution, page 3, by deleting lines 7 and 8 and inserting: "~~of Regents]~~ provide for the ~~[election of a new]~~ *qualifications of the members of the* Board of Regents and define ~~[their duties.]~~ *the duties of the members of*".

Amend the resolution, page 3, by deleting lines 12 through 16 and inserting: "Regents who was elected before November 4, 2008, expires on January 5, 2009. The Governor shall make his appointments pursuant to subsection 2 of Section 7 of Article 11 of the Nevada Constitution as soon as practicable after January 5, 2009, and in making those".

Amend the resolution, page 3, lines 20 and 21 by deleting "upon passage." and inserting: "on January 1, 2008, for purposes of nominating and electing members to the Board of Regents from each congressional district, and on January 5, 2009, for all other purposes.".

Amend the title of the resolution to read as follows:

"ASSEMBLY JOINT RESOLUTION — Proposing to amend the Nevada Constitution to provide for the election of certain members of the Board of Regents and the gubernatorial appointment of certain members of the Board of Regents, and to specify the number and terms of the members.".

Amend the summary of the resolution to read as follows:

"SUMMARY—Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify number and terms of members. (BDR C-18)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 34.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 748.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend the title of the bill to read as follows:

"AN ACT relating to pupils; clarifying that a pupil may be retained more than once in the same grade under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Clarifies that pupil may be retained more than once in same grade under certain circumstances. (BDR 34-639)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 50.

Bill read second time and ordered to third reading.

Senate Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 732.

Amend sec. 2, page 3, line 23, after "*application.*" by inserting: "*An alternative schedule proposed pursuant to this subsection must be developed in consultation with the employee organization representing the licensed employees of the school district. If an alternative schedule is approved pursuant to this subsection, the schedule must be carried out in accordance with the applicable collective bargaining agreement between the school district and the licensed employees of the school district.*".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Assemblyman Williams moved that the action whereby Senate Bill No. 59 was referred to the Concurrent Committee on Ways and Means be rescinded.

Motion carried.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 592.

Amend sec. 2, page 2, line 11, by deleting "*equipment.*" and inserting: "*equipment or that is 10 percent of the amount of the federal grant, whichever is less.*".

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section, designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) ~~[May]~~ *Except as otherwise provided in this paragraph, may* establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. *The name of an existing state park, monument or recreational area may only be changed if authorized by concurrent resolution of the Legislature.*

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and

fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue, upon application therefor and proof of residency and age, an annual permit for entering, camping and boating in all state parks and recreational areas in this state to any person who is 65 years of age or older and has resided in this state for at least 5 years immediately preceding the date on which the application is submitted. The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation. Rental and lease payments must be deposited in the State General Fund.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

2. *The Administrator:*

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this state and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this state and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d)

and (e) of subsection 1 *or subsection 2* must be deposited in the State General Fund.".

Amend the bill as a whole by renumbering sections 5 and 6 as sections 7 and 8 and adding a new section designated sec. 6, following sec. 4, to read as follows:

"Sec. 6. NRS 407.0762 is hereby amended to read as follows:

407.0762 1. The Account for Maintenance of State Parks within the Division of State Parks is hereby created in the State General Fund. Except as otherwise provided in NRS 407.0765, any amount of fees collected pursuant to paragraphs (d) and (e) of subsection 1 *or subsection 2* of NRS 407.065 in a calendar year, which is in excess of the amounts authorized for expenditure from that revenue source in the Division's budget for the fiscal year beginning in that calendar year, must be deposited in the Account. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. The money in the Account does not lapse to the State General Fund at the end of any fiscal year.

3. The money deposited in the Account pursuant to subsection 1 must only be used to repair and maintain state parks, monuments and recreational areas.

4. Before the Administrator may expend money pursuant to subsection 3:

(a) For emergency repairs and projects with a cost of less than $25,000, he must first receive the approval of the Director.

(b) For projects with a cost of $25,000 or more, other than emergency repairs, he must first receive the approval of the Director and of the Interim Finance Committee.".

Amend the title of the bill, seventh line, after "projects;" by inserting: "requiring the Legislature to approve any change to the name of a state park, monument or recreational area; requiring the Administrator of the Division to provide an annual permit to enter all state parks and recreational areas;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to Division of State Parks of State Department of Conservation and Natural Resources. (BDR 35-493)".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 636.

Amend section 1, page 1, line 3, by deleting "*1*.".

Amend section 1, pages 1 and 2, by deleting lines 5 through 10 on page 1 and lines 1 through 11 on page 2, and inserting: "*278.260, 278.315, 278.4789 or 278.480, the governing body or other entity shall retain:*

1. A copy of the notice;

2. A list of the persons or governmental entities to which the notice was addressed; and

3. A record of the date on which the notice was deposited in the United States mail, postage prepaid, or, if applicable, sent by electronic means.".

Amend the title of the bill by deleting the first through fourth lines and inserting:

"AN ACT relating to land use planning; requiring the retention of certain information regarding notice provided for certain hearings;".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 253.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 716.

Amend section 1, page 2, by deleting lines 3 through 10 and inserting:

"2. *Before a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or his designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and his parent or legal guardian may request a review of the absences of the pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and his parent or legal guardian, the principal or his designee shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or his designee shall credit*".

Amend section 1, page 2, line 18, after "*principal*" by inserting: "*or his designee*".

Amend the title of the bill, third line, by deleting "credit;" and inserting: "credit or to be promoted to the next higher grade; requiring each school to provide notice to the parent or legal guardian of a pupil before the pupil is denied credit or promotion to the next higher grade;".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 313.

Bill read second time and ordered to third reading.

Senate Bill No. 314.

Bill read second time and ordered to third reading.

Senate Bill No. 327.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 720.

Amend sec. 2, page 2, by deleting line 38 and inserting: "*dispensing pharmacy for the purpose of reissuing the drug to fill other prescriptions for patients in that facility if:*".

Amend sec. 2, page 3, by deleting lines 8 and 9 and inserting: "*pursuant to this section may reissue the drug to fill other prescriptions for patients in the same*".

Amend sec. 2, page 3, by deleting lines 13 through 24 and inserting "*subsection 5.*".

Amend sec. 2, page 3, line 30, by deleting "*pharmacy.*" and inserting: "*pharmacy pursuant to this section.*".

Amend sec. 2, pages 3 and 4, by deleting lines 40 through 45 on page 3 and lines 1 through 3 on page 4, and inserting:

"*(a) Returning and reissuing such drugs pursuant to the provisions of this section.*

(b) Maintaining records relating to the return and the use of such drugs to fill other prescriptions.".

Amend sec. 4, page 4, by deleting lines 12 through 14.

Amend sec. 4, page 4, line 15, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 4, page 4, line 17, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 4, page 4, line 19, by deleting "*(e)*" and inserting "*(d)*".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 362.

Bill read second time and ordered to third reading.

Senate Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 750.

Amend section 1, page 1, line 3, by deleting "$3,400" and inserting "$2,600".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 460.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 749.
Amend sec. 3, page 2, line 15, by deleting "*60*" and inserting "*90*".
Amend sec. 4, page 2, line 44, by deleting "*60*" and inserting "*90*".
Assemblyman Williams moved the adoption of the amendment.
Remarks by Assemblyman Williams.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 483.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 17, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 544.

MARK STEVENS
Fiscal Analysis Division

GENERAL FILE AND THIRD READING

Assembly Bill No. 179.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 745.
Amend section 1, page 5, by deleting lines 3 and 4 and inserting: "number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school".
Amend the bill as a whole by deleting sec. 4 and adding:
"Sec. 4. (Deleted by amendment.)".
Amend sec. 7, page 11, by deleting lines 26 through 33 and inserting: "examination *,* ~~[administered before the completion of grade 11,]~~ he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years. *If a pupil fails the high school proficiency examination on the first administration and the pupil desires to receive a standard high school diploma, he may retake the portion or portions of the*".
Amend sec. 9, page 15, by deleting lines 5 through 7 and inserting: "not eligible to receive a standard high school diploma;".

Amend sec. 9, page 15, line 14, by deleting "*and*".

Amend sec. 9, page 15, by deleting lines 18 and 19 and inserting: "administration ~~[;]~~ *to receive a standard high school diploma;* and".

Amend the bill as a whole by renumbering sec. 11 as sec. 16 and adding new sections designated sections 11 through 15, following sec. 10, to read as follows:

"Sec. 11. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a millennium scholarship if he:

(a) Has been a resident of this state for at least 2 years before he applies for the scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this state:

(1) After May 1, 2000 ~~[; and~~

~~(2) Not]~~ *, but not later than May 1, 2003; or*

(2) After May 1, 2003, and, except as otherwise provided in paragraph (c) of subsection 2, not more than ~~[8]~~ *6* years before he applies for the scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this state with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his high school diploma within ~~[5]~~ *4* years after he was regularly scheduled to graduate; and

(3) Applies for the scholarship not more than ~~[8]~~ *6* years after he was regularly scheduled to graduate from high school;

(d) Maintained ~~[at least a 3.0 grade point average on a 4.0 grading scale]~~ in high school in the ~~[core curriculum, as determined]~~ *courses designated* by the Board of Regents pursuant to *paragraph (b) of* subsection 2 ~~[;]~~ *, at least:*

(1) A 3.0 grade-point average on a 4.0 grading scale, if he was a member of the graduating class of 2003 or 2004;

(2) A 3.1 grade-point average on a 4.0 grading scale, if he was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade-point average on a 4.0 grading scale, if he was a member of the graduating class of 2007 or a later graduating class; and

(e) Is enrolled in at least:

(1) Six semester credit hours in a community college within the System; or

(2) Twelve semester credit hours in another eligible institution.

2. The Board of Regents ~~[shall:~~

~~(a) Define]~~ *:*

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a millennium scholarship.

(b) ~~[Develop a plan to ensure that needy students and students from families that otherwise could not afford to send their children to college receive millennium scholarships.]~~ *Shall designate the courses in which a student must earn the minimum grade-point averages set forth in paragraph (d) of subsection 1.*

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this state and who have been residents of this state for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet, to be eligible for millennium scholarships.

4. In awarding scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

Sec. 12. NRS 396.934 is hereby amended to read as follows:

396.934 1. Within the limits of money available in the Trust Fund, a student who is eligible for a millennium scholarship is entitled to receive:

(a) If he is enrolled in a community college within the System, $40 per credit for each lower division course and $60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he is enrolled in a state college within the System, $60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he is enrolled in another eligible institution, $80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less. No student may be awarded a scholarship for a total amount in excess of $10,000.

2. A student who receives a millennium scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 5; and

(b) ~~[Maintain]~~ *If the student graduated from high school after May 1, 2003, maintain* at least a ~~[2.0]~~ *2.6* grade-point average on a 4.0 grading scale.

3. A millennium scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the eligible institution.

4. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a millennium scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 5. The scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 3.

5. The Board of Regents shall establish criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection 4.

Sec. 13. Notwithstanding the provisions of NRS 389.015 to the contrary, if a pupil who is a senior in high school during the 2002-2003 school year failed the mathematics portion of the high school proficiency examination but received a passing score on all other portions of the examination, the pupil must be allowed to participate in the graduation ceremony of his high school in 2003 and must receive a standard high school diploma if he has otherwise satisfied the requirements for graduation from high school.

Sec. 14. Notwithstanding the provisions of NRS 389.015 to the contrary, the mathematics portion of the high school proficiency examination must not be required as a condition to the receipt of a standard high school diploma for the 2003-2004 school year and the 2004-2005 school year.

Sec. 15. 1. The Department of Education shall conduct a study of the mathematics portion of the high school proficiency examination. The study must include, without limitation:

(a) An assessment of the alignment of the questions on the mathematics portion of the high school proficiency examination with the academic content standards for mathematics in grades 10, 11 and 12;

(b) A review of the courses of study in mathematics that middle schools, junior high schools and high schools are required to offer and that pupils

enrolled in those schools are required to take, including, without limitation, an assessment of whether:

(1) Those courses of study adequately prepare a pupil for the mathematics portion of the high school proficiency examination; and

(2) There is sufficient time during the school year for teachers to provide instruction in those courses of study in a manner that will ensure pupils are prepared for the mathematics portion of the high school proficiency examination;

(c) An audit of the questions on the mathematics portion of the high school proficiency examination, including, without limitation, a determination of whether there are certain questions on that portion of the examination that pupils repeatedly fail to pass;

(d) A determination of whether the mathematics portion of the high school proficiency examination assists with accurately predicting the academic performance of a pupil as he matriculates through a postsecondary educational institution;

(e) A determination of the basic proficiencies that every pupil needs to graduate, including, without limitation, the basic proficiencies in mathematics such as addition, subtraction, division, multiplication, fractions and decimals; and

(f) A determination of the courses of study in mathematics that are not courses of study necessary for graduation from high school and a determination of whether the subject area of those courses of study are included within the mathematics portion of the high school proficiency examination. The Department may contract with a consultant to assist the Department with conducting the study required by this subsection to the extent that money is available for such a purpose.

2. On or before February 1, 2005, the Department of Education shall submit to the Director of the Legislative Counsel Bureau for transmission to the 73rd Session of the Nevada Legislature a written report of the study conducted pursuant to subsection 1.".

Amend sec. 11, page 18, by deleting line 9 and inserting:

"Sec. 16. 1. This section and sections 11, 12 and 13 of this act become effective upon passage and approval.

2. Sections 1 to 10, inclusive, 14 and 15 of this act become effective on July 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT relating to education; authorizing a pupil to retake those portions of the high school proficiency examination which he failed in order to receive a standard high school diploma; revising provisions governing the administration of achievement and proficiency examinations to pupils with disabilities and pupils whose primary language is not English; revising provisions governing the reporting of achievement and proficiency examinations; revising the minimum qualifications for receipt of a millennium scholarship; providing that pupils who are seniors in high school

during the 2002-2003 school year and who failed the mathematics portion of the high school proficiency examination must receive a standard high school diploma if the requirements for graduation from high school are otherwise satisfied; providing that the mathematics portion of the high school proficiency examination must not be required as a condition to the receipt of a standard high school diploma for the 2003-2005 biennium; requiring the Department of Education to conduct a study of the mathematics portion of the high school proficiency examination and to submit the results of its study to the Legislature; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 286:

YEAS—30.

NAYS—Andonov, Angle, Beers, Griffin, Gustavson, Hettrick, Marvel—7.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Assembly Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 392 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 471.

Bill read third time.

Roll call on Assembly Bill No. 471:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Assembly Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 7.

Resolution read.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Joint Resolution No. 7:

YEAS—23.

NAYS—Andonov, Angle, Beers, Brown, Claborn, Geddes, Gibbons, Griffin, Gustavson, Hardy, Hettrick, Knecht, Marvel, Weber—14.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 27.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 27:

YEAS—30.

NAYS—Andonov, Angle, Beers, Brown, Christensen, Gustavson, McCleary—7.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 27 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 36:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 62.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 62:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 72.

Bill read third time.

Remarks by Assemblymen Buckley, Giunchigliani, and Beers.

Roll call on Senate Bill No. 72:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Roll call on Senate Bill No. 78:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 103.

Bill read third time.

Roll call on Senate Bill No. 103:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Senate Bill No. 105:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 122.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 122:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 123.

Bill read third time.

Remarks by Assemblymen Parks, Mortenson, Hardy, and Giunchigliani.

Roll call on Senate Bill No. 123:
YEAS—37.
NAYS—None.
EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.
Senate Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 124.
Bill read third time.
Roll call on Senate Bill No. 124:
YEAS—37.
NAYS—None.
EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.
Senate Bill No. 124 having received a two-thirds constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 134.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 134:
YEAS—37.
NAYS—None.
EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.
Senate Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 139.
Bill read third time.
Remarks by Assemblymen Chowning and Parks.
Potential conflict of interest declared by Assemblymen Chowning and Parks.
Roll call on Senate Bill No. 139:
YEAS—37.
NAYS—None.
EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.
Senate Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 148.
Bill read third time.
Roll call on Senate Bill No. 148:
YEAS—37.
NAYS—None.
EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 150.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 150:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 159:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 186.

Bill read third time.

Remarks by Assemblymen Anderson, Collins, and Beers.

Roll call on Senate Bill No. 186:

YEAS—35.

NAYS—Andonov, Claborn—2.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 186 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 198.

Bill read third time.

Roll call on Senate Bill No. 198:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 206.

Bill read third time.

Remarks by Assemblymen Claborn and Brown.

Potential conflict of interest declared by Assemblyman Brown.

Roll call on Senate Bill No. 206:

YEAS—37.

NAYS—None.

EXCUSED—Carpenter, Goicoechea, Mabey, Oceguera, Ohrenschall—5.

Senate Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 314 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 231 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 231.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 785.

Amend sec. 4, page 2, by deleting lines 6 through 11 and inserting:

"*(a) Is guilty of a misdemeanor and shall be punished by a fine of not more than $500; and*".

Amend sec. 9, page 4, by deleting lines 17 through 24 and inserting: "~~[(a) Paragraph (a)]~~ *the provisions* of subsection 1 is guilty of a misdemeanor ~~[.~~

~~(b) Paragraph (b) of subsection 1 is guilty of a gross misdemeanor.~~

~~(c) Paragraph (c) of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~(d) Paragraph (d) of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.]~~ *and shall be punished by a fine of not more than $500.*".

Amend the bill as a whole by adding the following Assemblyman as a primary joint sponsor: Assemblyman Arberry.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 221, 240, 255, 266, 276, 287, 288, 297, 299, 307, 310, 315, 317, 322, 351, 359, 363, 373, 378, 383, 387, 394, 396, 401, 405, 408, 410, 424, 432, 434, 450, 456, 465, 466, 467, 469, 470, 471, 475, 476, 478, 481, 482, 485, 486, 490, 493; Senate Joint Resolutions Nos. 3 and 4 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 370, has had the same under consideration, and begs leave to report the same back with the recommendation: mend, and do pass as amended.

Also, your Committee on Taxation, to which was referred Senate Bill No. 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which was referred Senate Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Taxation, to which was referred Senate Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 51.

The following Senate amendment was read:

Amendment No. 509.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 451.523 is hereby amended to read as follows:

451.523 "Document of gift" means a card, ~~[a statement imprinted on a driver's license or identification card, a will,]~~ *statement, will* or other writing used to make an anatomical gift.".

Amend section 1, page 1, line 7, after "in" by inserting: "*this subsection and*".

Amend section 1, page 2, line 6, by deleting "If" and inserting: "~~[If]~~ *Except as otherwise provided in subsection 4, if*".

Amend section 1, page 2, by deleting lines 11 and 12 and inserting:

"4. ~~[If]~~ *A symbol or other indication that* a document of gift ~~[is]~~ *has been executed by or on behalf of a donor may be* imprinted on ~~[a]~~ *the* donor's

driver's license or identification card ~~[,]~~ *if* the document of gift ~~[must comply]~~ *complies* with".

Amend section 1, page 3, line 20, by deleting: "*person, who acts*" and inserting: "*person who:*

(a) Is aware that a symbol or other indication that a document of gift has been executed by or on behalf of a donor is imprinted on the donor's driver's license or identification card; or

(b) Acts".

Amend section 1, page 3, line 23, by deleting "*gifts may*" and inserting "*gifts, shall*".

Amend the bill as a whole by adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the full name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to ~~[indicate]~~ *have indicated* on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or ~~[that he refuses]~~ to *refuse to* make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to indicate whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150; and

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to The Living Bank International, or its successor organization, information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 4. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

(a) The name and sample signature of the holder.

(b) A unique identification number assigned to the holder that is not based on the holder's social security number.

(c) A personal description of the holder.

(d) The date of birth of the holder.

(e) The current address of the holder in this state.

(f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance of the identification card, the Department shall:

(a) Give the holder the opportunity to ~~[indicate]~~ *have indicated* on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or ~~[that he refuses]~~ to *refuse to* make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to indicate whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150; and

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to The Living Bank International, or its successor organization, information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

8. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.".

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 51.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 15.

The following Senate amendment was read:

Amendment No. 558.

Amend section 1, page 2, by deleting lines 20 through 22 and inserting: "*mentally retarded, the court must make such a finding in the record and strike the notice of intent to seek the death penalty. Such a finding may be appealed to the Supreme Court pursuant to NRS 177.015.*".

Amend sec. 2, page 3, lines 2 and 3, by deleting: "*a sentence of death may not be imposed*" and inserting: "*the defendant is mentally retarded and has stricken the notice of intent to seek the death penalty*".

Amend sec. 2, page 3, lines 23 and 24, by deleting: "*pursuant to section 1 of this act that the defendant may not receive a sentence of death,*" and inserting: "*the defendant to be mentally retarded and has stricken the notice of intent to seek the death penalty pursuant to section 1 of this act,*".

Amend sec. 3, page 4, line 12, by deleting "*imposed,*" and inserting: "*imposed and a prior determination regarding mental retardation has not been made pursuant to section 1 of this act,*".

Amend sec. 3, page 4, line 20, by deleting "*Court.*" and inserting: "*Court pursuant to NRS 177.015.*".

Amend sec. 7, page 7, lines 7 and 8, by deleting:"*a sentence of death may not be imposed upon the defendant;*" and inserting: "*the defendant is*

mentally retarded and has stricken the notice of intent to seek the death penalty;".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 15.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 331.

The following Senate amendment was read:

Amendment No. 584.

Amend sec. 2, page 1, line 7, after "*person*" by inserting: "*who is 18 years of age or older and*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 331.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 151.

The following Senate amendment was read:

Amendment No. 583.

Amend section 1, page 1, by deleting lines 3 through 6 and inserting:

"*1. A public guardian may appoint deputies to perform the duties of his office. A deputy so appointed may transact all official business relating to the office of the public guardian to the same extent as the public guardian, except that the deputy is not authorized to establish or change the policies of the office or to employ or terminate the employment of subordinates in the office. Before entering upon the discharge of*".

Amend sec. 4, page 2, line 30, after "*act,*" by inserting: "*as authorized by the board of county commissioners and*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 151.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 79.

The following Senate amendment was read:

Amendment No. 643.

Amend the bill as a whole by adding the following senators as primary joint sponsors: Senators Neal and O'Connell.

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 79.

Remarks by Assemblyman Goldwater.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 143.

The following Senate amendment was read:

Amendment No. 613.

Amend the bill as a whole by adding a new section designated sec. 18.5, following sec. 18, to read as follows:

"Sec. 18.5. NRS 338.016 is hereby amended to read as follows:

338.016 1. If, after *an opportunity for* a hearing, an administrative penalty is imposed against a contractor on a public work for the commission of an offense:

(a) An eligible bidder, or any person who entered into a contract with the eligible bidder before bids for the contract for the public work were let, may commence a civil action against the contractor to recover damages suffered as a proximate result of the eligible bidder not being awarded the contract for the public work.

(b) There is a rebuttable presumption that the contractor was awarded the contract for the public work because his bid on the contract was based, in part, on his intent to commit the offense and, as a result, was lower than it otherwise would have been.

2. The court may award costs and reasonable attorney's fees to the prevailing party in any action brought pursuant to this section.".

Amend sec. 19, page 10, line 32, after "after" by inserting: "*an opportunity for*".

Amend the bill as a whole by adding a new section designated sec. 19.5, following sec. 19, to read as follows:

"Sec. 19.5. NRS 338.515 is hereby amended to read as follows:

338.515 1. Except as otherwise provided in NRS 338.525, a public body and its officers or agents awarding a contract for a public work shall pay or cause to be paid to a contractor the progress payments due under the contract within 30 days after the date the public body receives the progress bill or within a shorter period if the provisions of the contract so provide. Not more than 90 percent of the amount of any progress payment may be paid until 50 percent of the work required by the contract has been performed. Thereafter the public body may pay any of the remaining progress payments without withholding additional retainage if, in the opinion of the public body, satisfactory progress is being made in the work.

2. Except as otherwise provided in NRS 338.525, a public body shall identify in the contract and pay or cause to be paid to a contractor the actual cost of the supplies, materials and equipment that:

(a) Are identified in the contract;

(b) Have been delivered and stored at a location, and in the time and manner, specified in a contract by the contractor or a subcontractor or

supplier for use in the construction, repair or reconstruction of the public work; and

(c) Are in short supply or were specially made for the public work,

within 30 days after the public body receives a progress bill from the contractor for those supplies, materials or equipment.

3. A public body shall pay or cause to be paid to the contractor at the end of each quarter interest for the quarter on any amount withheld by the public body pursuant to NRS 338.400 to 338.645, inclusive, at a rate equal to the rate quoted by at least three financial institutions as the highest rate paid on a certificate of deposit whose duration is approximately 90 days on the first day of the quarter. If the amount due to a contractor pursuant to this subsection for any quarter is less than $500, the public body may hold the interest until:

(a) The end of a subsequent quarter after which the amount of interest due is $500 or more;

(b) The end of the fourth consecutive quarter for which no interest has been paid to the contractor; or

(c) The amount withheld under the contract is due pursuant to NRS 338.520, whichever occurs first.

4. If the Labor Commissioner has reason to believe that ~~[an employee has a valid and enforceable claim for wages against]~~ *a workman is owed wages by* a contractor, he may require the public body to withhold from any payment due the contractor under this section and pay the Labor Commissioner instead, an amount equal to the amount ~~[claimed by the employee.]~~ *the Labor Commissioner believes the contractor owes to the workman.* This amount must be paid to the ~~[employee]~~ *workman* if the ~~[claim]~~ *matter* is resolved in his favor, otherwise it must be returned to the public body for payment to the contractor.”.

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 143.

Remarks by Assemblyman Goldwater.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 232.

The following Senate amendment was read:

Amendment No. 667.

Amend the bill as a whole by deleting sections 1 through 19 and adding new sections designated sections 1 through 19 and the text of repealed sections, following the enacting clause, to read as follows:

“Section 1. NRS 597.812 is hereby amended to read as follows:

597.812 As used in NRS 597.812 to 597.818, inclusive, “device for automatic dialing and announcing” means any equipment that:

1. Incorporates a storage capability of telephone numbers to be called and utilizes a random or sequential number generator producing telephone numbers to be called; and

2. Is used exclusively, working alone or in conjunction with other equipment, to disseminate a prerecorded message to the telephone number called . ~~[to solicit a person at the telephone number called to purchase goods or services.]~~

Sec. 2. NRS 597.814 is hereby amended to read as follows:

597.814 1. ~~[Except as otherwise provided in subsection 3 and NRS 597.816, a]~~ *A* person shall not use a device for automatic dialing and announcing to disseminate a prerecorded message in ~~[a]~~ *an unsolicited* telephone call unless ~~[, before]~~ *:*

(a) Before the message is disseminated, a ~~[recorded or]~~ *person, speaking in his* unrecorded natural voice ~~[:~~

~~(a) Informs]~~ *, informs* the person who answers the telephone call ~~[of the nature of the call, including, without limitation, the fact]~~ that a device for automatic dialing and announcing will be used to disseminate the message if the person who answers the call remains on the line; ~~[and~~

~~(b) Provides to the person who answers the telephone call the name, address and telephone number of the business or organization, if any, being represented by the caller.]~~

(b) A person associated with the telephone number dialed has given his express consent to receive prerecorded messages from the person using the device for automatic dialing and announcing;

(c) The person using the device for automatic dialing and announcing is using the do-call registry created pursuant to section 13 of this act and the telephone number called is included in the current do-call registry; or

(d) The call is initiated by a state or local governmental agency, or a private entity operating under contract with and at the direction of such an agency, to provide:

(1) Information relating to public safety;

(2) Information relating to a police or fire emergency; or

(3) A warning of an impending or threatening emergency.

2. A person shall not operate a device for automatic dialing and announcing to place:

(a) A call that is received by a telephone located in this state during the period between ~~[9]~~ *8* p.m. and 9 a.m.; ~~[or]~~

(b) A call-back or second call to the same telephone number, if a person at the telephone number terminated the original call ~~[.~~

~~3. This section does not prohibit the use of a device for automatic dialing and announcing to dial the number of and play a recorded message to a person with whom the person using the device or another person affiliated with the person using the device has a preexisting business relationship.]~~ *; or*

(c) A call that does not provide to the person who answers the telephone call the name, address and telephone number of the caller or of the business or organization, if any, represented by the caller.

Sec. 3. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 17, inclusive, of this act.

Sec. 4. *As used in sections 4 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4.5 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4.5. *"Charitable organization" means an organization which:*

1. The Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code; and

2. Holds a current certificate of organization or is currently qualified by the Secretary of State to do business in this state.

Sec. 5. *"Device for automatic dialing" means any equipment that:*

1. Incorporates a storage capability of telephone numbers to be called and utilizes a random or sequential number generator to produce telephone numbers to be called;

2. Dials such a telephone number; and

3. Transfers the call to a live operator if a natural person at the telephone number called accepts the call.

Sec. 6. *"Device for automatic dialing and announcing" has the meaning ascribed to it in NRS 597.812.*

Sec. 7. *"Do-call registry" means the database composed of the telephone numbers of subscribers who have manifested their wish to receive telemarketing calls. The term includes, without limitation, a list produced from the database, regardless of the format in which the list is produced.*

Sec. 8. *"Noncommercial telephone service" means telephone service maintained by a subscriber primarily for personal, rather than business, purposes. The term includes, without limitation, such service to:*

1. The residence of a subscriber;

2. A mobile telephone, including a cellular telephone or other portable device; and

3. A pager, beeper or other telecommunications device.

Sec. 9. *"Subscriber" means a natural person who subscribes to noncommercial telephone service in this state.*

Sec. 10. *"Telemarketer" means a person who makes or causes another person to make a telemarketing call. The term includes, without limitation, a person registered with the Consumer Affairs Division of the Department of Business and Industry as a seller or salesman pursuant to chapter 599B of NRS.*

Sec. 11. *"Telemarketing call" means a telephone call, including, without limitation, a call dialed by a device for automatic dialing or device for automatic dialing and announcing, the primary purpose of which is to solicit a person who accepts the call to purchase, lease, invest in or*

otherwise acquire goods or services. The term does not include a telephone call made on behalf of a charitable organization, the primary purpose of which is to solicit a person who accepts the call to donate money, goods or services to the charitable organization.

Sec. 12. *A subscriber who wishes to receive telemarketing calls may request that his telephone number be included in the do-call registry by complying with the requirements established by the Attorney General pursuant to section 13 of this act.*

Sec. 13. *The Attorney General shall:*

1. Establish and operate a do-call registry.

2. Adopt regulations to carry out the provisions of sections 4 to 17, inclusive, of this act.

3. Publicize the existence of the do-call registry.

4. Impose a fee, not to exceed $250 a year, to be paid by a telemarketer to obtain access to the do-call registry or any list produced from the do-call registry.

Sec. 14. *1. A telemarketer shall not make or cause another person to make an unsolicited telemarketing call to a telephone number of a subscriber unless:*

(a) That telephone number is included in the current do-call registry; or

(b) The telemarketer is complying with the provisions of section 15 of this act.

2. A telemarketer that violates this section is liable for a civil penalty of not more than:

(a) For a first offense, $500;

(b) For a second offense, $2,500; and

(c) For a third and each subsequent offense, $5,000.

3. The penalty may be recovered by civil action on a complaint brought by the Attorney General.

Sec. 15. *1. The provisions of section 14 of this act do not prohibit a telemarketer from making or causing another person to make an unsolicited telemarketing call to a telephone number of a subscriber if:*

(a) There is a preexisting business relationship between the telemarketer and the subscriber; and

(b) The telemarketer complies with the provisions of this section.

2. Before a telemarketer may make or cause another person to make an unsolicited telemarketing call based on a preexisting business relationship, the telemarketer must establish and maintain an internal do-not-call registry that complies with federal and state law and regulations. The internal do-not-call registry must:

(a) Include, without limitation, a list of the telephone numbers of any subscriber who has requested that the telemarketer not make or cause another person to make an unsolicited telemarketing call to a telephone number of the subscriber; and

(b) Upon request, be provided by the telemarketer to the Attorney General.

3. In addition to the requirements set forth in subsection 2, at least once each year, the telemarketer shall provide written notice to each subscriber with whom the telemarketer has a preexisting business relationship. The written notice must:

(a) Inform the subscriber that the telemarketer is providing the notice pursuant to state law;

(b) Explain to the subscriber that the subscriber may elect to be placed on the internal do-not-call list of the telemarketer and specify the procedures for making such an election; and

(c) Explain to the subscriber that the subscriber may contact the customer service department of the telemarketer or the Attorney General to obtain further information concerning the provisions of this section and provide the current address, telephone number and electronic mail address of the customer service department of the telemarketer and the Attorney General.

4. As used in this section, "preexisting business relationship" means a relationship between a telemarketer and a subscriber that is based on:

(a) The subscriber's purchase, rental or lease of goods or services from the telemarketer; or

(b) Any other financial transaction between the subscriber and the telemarketer, that occurs within the 18 months immediately preceding the date of the telemarketing call.

Sec. 16. *All fees, civil penalties and any other money collected pursuant to the provisions of sections 4 to 17, inclusive, of this act must be deposited in the State General Fund and may only be used to offset the costs of administering and enforcing those provisions.*

Sec. 17. *1. A provider of telephone service shall inform a subscriber of the provisions of sections 4 to 17, inclusive, of this act:*

(a) As part of the process of subscribing to telephone service;

(b) By a statement distributed, not less than annually, as an insert in a billing statement sent to the subscriber; or

(c) In any other manner authorized by the Attorney General.

2. A provider of local telephone directories, including, without limitation, a provider of telephone service, shall include in a conspicuous place in each such directory a description of the provisions of sections 4 to 17, inclusive, of this act.

3. As used in this section, "provider of telephone service" includes, without limitation:

(a) A public utility furnishing telephone service.

(b) A provider of cellular or other service to a telephone that is installed in a vehicle or is otherwise portable.

Sec. 18. NRS 597.816 and 598.0916 are hereby repealed.

Sec. 19. 1. This section and sections 3 to 13, inclusive, 16 and 17 of this act become effective upon passage and approval for the purpose of adopting regulations and on January 1, 2004, for all other purposes.

2. Sections 1, 2, 14, 15 and 18 of this act become effective upon passage and approval for the purpose of adopting regulations and on February 1, 2004, for all other purposes.

TEXT OF REPEALED SECTIONS

597.816 Additional exceptions to prohibition of use. The provisions of NRS 597.814 do not prohibit the use of a device for automatic dialing and announcing by any person exclusively on behalf of:

1. A school or school district to contact the parents or guardians of a pupil regarding the attendance of the pupil or regarding other business of the school or school district.

2. A nonprofit organization.

3. A company that provides cable television services to contact its customers regarding a previously arranged installation of such services at the premises of the customer.

4. A public utility to contact its customers regarding a previously arranged installation of utility services at the premises of the customer.

5. A facility that processes or stores petroleum, volatile petroleum products, natural gas, liquefied petroleum gas, combustible chemicals, explosives, high-level radioactive waste or other dangerous substances to advise local residents, public service agencies and news media of an actual or potential life-threatening emergency.

6. A state or local governmental agency, or a private entity operating under contract with and at the direction of such an agency, to provide:

(a) Information relating to public safety;

(b) Information relating to a police or fire emergency; or

(c) A warning of an impending or threatening emergency.

7. A candidate for public office, committee advocating the passage or defeat of a ballot question, political party, committee sponsored by a political party or a committee for political action.

598.0916 "Deceptive trade practice" defined. A person engages in a "deceptive trade practice" when, in the course of his business or occupation, he disseminates an unsolicited prerecorded message to solicit a person to purchase goods or services by telephone and he does not have a preexisting business relationship with the person being called unless a recorded or unrecorded natural voice:

1. Informs the person who answers the telephone call of the nature of the call; and

2. Provides to the person who answers the telephone call the name, address and telephone number of the business or organization, if any, represented by the caller.".

Amend the title of the bill to read as follows:

"AN ACT relating to telecommunications; prohibiting a person from using a device for automatic dialing and announcing to disseminate a prerecorded message unless the person called consents; requiring the establishment and operation of a do-call registry composed of the telephone numbers of subscribers of noncommercial telephone service who wish to receive telemarketing calls; prohibiting a telemarketer under certain circumstances from making an unsolicited telemarketing call to a telephone number unless that number is included in the current do-call registry; providing exceptions; requiring a provider of telephone service or local telephone directories to publicize the do-call registry; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to telecommunications. (BDR 52-133)".

Assemblyman Goldwater moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 232.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 296.

The following Senate amendment was read:

Amendment No. 609.

Amend sec. 2, page 1, by deleting line 8 and inserting: "*photovoltaic system, if:*

1. The system is installed on the premises of a retail customer; and

2. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer on that premises.".

Amend sec. 3, page 2, line 12, by deleting "*At*" and inserting: "*On an annual basis, at*".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 296.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 149.

The following Senate amendment was read:

Amendment No. 556.

Amend section 1, page 2, by deleting line 26 and inserting "*this section.*".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 149.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 135.

The following Senate amendment was read:

Amendment No. 557.

Amend section 1, page 2, by deleting lines 11 and 12 and inserting: "of the ~~[council]~~ *governing body* and an appeal of that decision . ~~[to the council.]~~ *The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.*".

Amend section 1, page 2, line 34, after "*body*" by inserting: "*or a court of competent jurisdiction*".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 135.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 530.

The following Senate amendment was read:

Amendment No. 577.

Amend section 1, page 2, by deleting lines 20 and 21 and inserting "*accordingly.*".

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 530.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 9:40 a.m.

ASSEMBLY IN SESSION

At 9:51 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Manendo moved that the action whereby Senate Bill No. 78 was passed be rescinded.

Motion carried.

Assemblyman Manendo moved that Senate Bill No. 78 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Manendo.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 392 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 392.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 824.

Amend section 1, page 1, line 9, by deleting "*additional $25*" and inserting: "*annual increase of $25 in the semiannual payment*".

Amend section 1, page 1, line 11, by deleting "*additional $50*" and inserting: "*annual increase of $50 in the semiannual payment*".

Amend section 1, page 1, line 13, by deleting "*additional $75*" and inserting: "*annual increase of $75 in the semiannual payment*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 181, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Government Affairs, to which was referred Senate Concurrent Resolution No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MARK MANENDO, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 199 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblyman Anderson.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Lee.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, May 19, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 9:56 a.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 19, 2003

Assembly called to order at 11:32 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Monte Fast.

From the pages of the Nevada Appeal we offer a prayer for: universal business tax; cigarette tax; liquor tax; casino industry tax; 200 measures before the Assembly and Senate fiscal panels; medical regulations; death penalty issues; discrimination issues; environmental issues at the Lake; TRPA and the Colorado River Commission; limiting limos; capital improvements; University System; and special sessions. Perhaps we need a miracle.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 168, 193, 423, 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

Also, your Committee on Elections, Procedures, and Ethics, to which were referred Senate Bills Nos. 249, 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 25, 35, 95, 117, 323, 336, 381, 405, 421, 424, 443, 445, 448, 510, 539.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 32, Amendment No. 606; Assembly Bill No. 40, Amendment No. 709; Assembly Bill No. 60, Amendment No. 656; Assembly Bill No. 92, Amendment No. 658; Assembly Bill No. 100, Amendment No. 578; Assembly Bill No. 132, Amendment No. 663; Assembly Bill No. 190, Amendment No. 666; Assembly Bill No. 230, Amendment No. 608; Assembly Bill No. 348, Amendment No. 691; Assembly Bill No. 419, Amendment No. 708; Assembly Bill No. 437, Amendment No. 692; Assembly Bill No. 498, Amendment No. 605; Assembly Bill No. 507, Amendment No. 673; Assembly Bill No. 509, Amendment No. 623; Assembly Bill No. 522, Amendment No. 662, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 289.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Senate Concurrent Resolutions Nos. 13, 20.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 16, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 548.

MARK STEVENS
Fiscal Analysis Division

By Assemblymen Ohrenschall, Giunchigliani, Parks, Anderson, Atkinson, Buckley, Carpenter, Chowning, Claborn, Collins, Conklin, Geddes, Gibbons, Goicoechea, Goldwater, Grady, Griffin, Hardy, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Pierce, Sherer, and Williams:

Assembly Concurrent Resolution No. 27—Directing the Legislative Commission to appoint an interim committee to conduct a study of business practices of the automobile insurance industry.

Assemblywoman Ohrenschall moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 13.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 20.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 10.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 19.

Assemblyman Atkinson moved the adoption of the resolution.

Remarks by Assemblyman Atkinson.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 549—AN ACT relating to forfeitures; revising the provisions relating to the uses of forfeited property or the proceeds of forfeited property; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 289.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Assemblyman Gustavson requested Senate Bill No. 323 be taken from the Consent Calendar.

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

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.
Mr. Speaker presiding.
Quorum present.

Senate Bill No. 323 placed on the Second Reading File.

Assemblyman Gustavson requested that Senate Bill No. 428 be taken from the Consent Calendar.
Senate Bill No. 428 placed on the Second Reading File.

SECOND READING AND AMENDMENT

Senate Bill No. 10.
Bill read second time and ordered to third reading.

Senate Bill No. 125.
Bill read second time and ordered to third reading.

Senate Bill No. 181.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 646.
Amend section 1, page 2, line 39, after "*street*" by inserting: "*that is depicted in the streets and highways plan of the master plan described in paragraph (p) of subsection 1 of NRS 278.160 which has been adopted for the community*".
Amend section 1, page 2, line 40, after "*park.*" by inserting: "*The term does not include the vacation of a street that is not depicted in the streets and highways plan of the master plan described in paragraph (p) of subsection 1 of NRS 278.160 which has been adopted for the community.*".
Assemblyman Manendo moved the adoption of the amendment.
Remarks by Assemblyman Manendo.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 370.
Bill read second time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 755.
Amend section 1, page 1, by deleting line 4 and inserting: "*property, the board of county commissioners of a county whose population is less than 400,000 may impose a tax at the*".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to taxation; authorizing the board of county commissioners of certain counties to impose an additional tax on the transfer".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes board of county commissioners of certain counties to impose additional tax on transfer of real property for control of invasive species and certain endemic pests and weeds. (BDR 32-39)".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 752.

Amend sec. 11, page 3, lines 21 and 36, by deleting "*assessor*" and inserting "*treasurer*".

Amend sec. 12, page 3, line 38, by deleting "*assessor*" and inserting "*treasurer*".

Amend sec. 12, page 4, lines 1 and 4, by deleting "*assessor*" and inserting "*treasurer*".

Amend sec. 13, page 4, lines 9 and 21, by deleting "*assessor*" and inserting "*treasurer*".

Amend sec. 16, page 5, line 3, by deleting "*assessor*" and inserting "*treasurer*".

Amend sec. 16, page 5, by deleting lines 7 through 10 and inserting: "*treasurer shall prepare such a statement and provide the*".

Amend sec. 18, page 5, lines 32 and 33, by deleting "*assessor*" and inserting "*treasurer*".

Amend sec. 20, page 6, line 6, by deleting "*assessor.*" and inserting "*treasurer.*".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 473.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 756.

Amend sec. 2, page 7, line 16, after "*or*" by inserting: "*a facility for the production of*".

Amend sec. 4, page 9, line 8, after "*or*" by inserting: "*a facility for the production of*".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 757.

Amend section 1, page 1, lines 8 and 10, by deleting "*natural gas,*" and inserting: "*any fossil fuel,*".

Amend the title of the bill, fourth line, by deleting "natural gas;" and inserting: "any fossil fuel;".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 323.

Bill read second time and ordered to third reading.

Senate Bill No. 428.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 351 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 240 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 288 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 460 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Manendo moved that Senate Bill No. 78 be taken from the Chief Clerk's desk and placed at the top of the Senate Bills on the General File.

Remarks by Assemblyman Manendo.

Motion carried.

CONSENT CALENDAR

Senate Bills Nos. 7, 8, 83, 248, 281, 283, 422, 427, 429, and 437.

Bills read by number.

Remarks by Assemblyman Goicoechea.

Potential conflict of interest declared by Assemblyman Goicoechea for Senate Bill No. 427.

Roll call on Senate Bills Nos. 7, 8, 83, 248, 281, 283, 422, 427, 429, and 437:

YEAS—42.

NAYS—None.

Senate Bills Nos. 7, 8, 83, 248, 281, 283, 422, 427, 429, and 437 having received a constitutional majority, Mr. Speaker declared them passed.

Bills ordered transmitted to the Senate.

GENERAL FILE AND THIRD READING

Assembly Bill No. 29.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 714.

Amend section 1, page 3, by deleting line 1 and inserting:

"*7. The money collected for an administrative assessment for the provision of specialty court programs in*".

Amend sec. 3, page 7, line 39, after "bail." by inserting: "*If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7.*".

Amend sec. 7, page 12, line 40, by deleting "*order,*" and inserting: "*order of forfeiture,*".

Amend sec. 8, page 13, line 19, by deleting "*Fifty*" and inserting "*Ninety*".

Amend sec. 8, page 13, line 21, by deleting "*Fifty*" and inserting "*Ten*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 179.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Gibbons, Gustavson, and Buckley.

Roll call on Assembly Bill No. 179:

YEAS—31.

NAYS—Andonov, Beers, Brown, Carpenter, Christensen, Goicoechea, Griffin, Gustavson, Hettrick, Knecht, Sherer—11.

Assembly Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

Remarks by Assemblymen Pierce, Geddes, Knecht, and Anderson.

Potential conflict of interest declared by Assemblymen Anderson, Geddes, and Knecht.

Roll call on Assembly Bill No. 392:

YEAS—27.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Geddes, Griffin, Gustavson, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—15.

Assembly Bill No. 392 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 515.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 754.

Amend sec. 5, page 4, line 2, by deleting "*$70,000;*" and inserting "*$87,500;*".

Amend sec. 5, page 4, line 3, by deleting "*$100,000.*" and inserting "*$150,000.*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Joint Resolution No. 11.

Resolution read.

Remarks by Assemblymen Carpenter and Giunchigliani.

Roll call on Assembly Joint Resolution No. 11:

YEAS—26.

NAYS—Andonov, Angle, Brown, Carpenter, Chowning, Gibbons, Goicoechea, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, McCleary, Sherer—16.

Assembly Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 735.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 319.140 is hereby amended to read as follows:

319.140 1. The Division shall administer the provisions of this chapter. The Administrator may adopt, amend or rescind regulations, consistent with the provisions of this chapter, appropriate to carry out its purposes.

2. The Administrator may make copies of all proceedings and other records and documents of the Division and issue certificates under the seal of the Division to the effect that the copies are true copies, and all persons dealing with the Division may rely upon such certificates.

3. The Division may ~~[employ]~~ *:*

(a) Employ or contract for the services of attorneys, accountants, financial experts and any other advisers, employees, consultants and agents as the Administrator may determine to be necessary ~~[.]~~ *; and*

(b) Develop or purchase, lease or otherwise acquire one or more information systems that the Division determines are necessary or convenient for the exercise of its powers and duties pursuant to this chapter and acquire any consulting, support or other service for such information systems.

4. Before September 1 of each even-numbered year, the Division shall submit a report of its activities for the biennium ending June 30 of that year to the Governor, State Treasurer and the Legislature. Each such report ~~[shall]~~ *must* set forth a complete operating and financial statement of the Division during such biennium. The Division shall cause an audit of its books and accounts to be made at least once in each fiscal year by a certified public accountant. The certified public accountant may audit the Division's books and accounts for consecutive audit periods as requested by the Division.".

Amend the bill as a whole by renumbering sections 3 through 6 as sections 5 through 8 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. NRS 319.190 is hereby amended to read as follows:

319.190 1. The Division may make, undertake commitments to make and participate with lending institutions in the making of mortgage loans ~~[,]~~ *and may* make temporary loans and advances in anticipation of mortgage loans ~~[, and issue letters of credit pursuant to subsection 2]~~ to finance the acquisition, construction or rehabilitation of residential housing, including *, without limitation,* multifamily housing. Any loan made by the Division pursuant to this section must be insured or guaranteed unless it is financed by an issue of obligations of the Division that are insured or secured by surety bonds, letters of credit not issued by the Division, guaranties or other means of assuring repayment of those obligations. Such loans may be made ~~[or letters of credit issued]~~ only after a determination by the Administrator that

mortgage loans ~~[or letters of credit]~~ are not otherwise available from private lenders upon reasonable equivalent terms and conditions.

2. The Division may issue a letter of credit *to finance the acquisition, construction or rehabilitation of residential housing, including, without limitation, multifamily housing,* only if ~~[sufficient]~~ *:*

(a) At the time a letter of credit is issued, the Division has a credit rating within one of the three highest rating categories of a nationally recognized rating agency;

(b) Sufficient reserves in the funds established by the Division are deposited in a separate account to be used to pay any liabilities that may be incurred by issuing the letter of credit ~~[.]~~ *;*

(c) The aggregate amount of outstanding letters of credit issued by the Division ~~[must]~~ *and the proposed letter of credit does* not exceed $5,000,000 ~~[.]~~ *; and*

(d) The Administrator has determined that a letter of credit is not otherwise available from a private lender upon reasonable equivalent terms and conditions.".

Amend sec. 5, page 5, lines 28 and 29, by deleting: "2001 . ~~[, and expires by limitation on July 1, 2003.]~~" and inserting: "2001, and expires by limitation on July 1, ~~[2003.]~~ *2009.*".

Amend sec. 6, page 5, by deleting line 30 and inserting:

"Sec. 8. 1. This section and sections 1, 3, 5, 6 and 7 of this act become effective on July 1, 2003.

2. Sections 1 and 3 of this act expire by limitation on June 30, 2009.

3. Sections 2 and 4 of this act become effective on July 1, 2009.".

Amend the title of the bill by deleting the fourth through seventh lines and inserting: "revising the provisions governing the issuance of letters of credit by the Division; increasing the permissible aggregate principal amount of the outstanding obligations of the Division; extending the prospective expiration of".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 34.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 34:

YEAS—42.

NAYS—None.

Senate Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:30 p.m.

ASSEMBLY IN SESSION

At 12:31 p.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

Senate Bill No. 50.
Bill read third time.
Remarks by Assemblymen Anderson, Ohrenschall, and Giunchigliani.
Conflict of interest declared by Assemblyman Ohrenschall.
Roll call on Senate Bill No. 50:
YEAS—36.
NAYS—Arberry, Carpenter, Giunchigliani, Knecht, Leslie—5.
NOT VOTING—Ohrenschall.
Senate Bill No. 50 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 59.
Bill read third time.
Roll call on Senate Bill No. 59:
YEAS—42.
NAYS—None.
Senate Bill No. 59 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 144.
Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Mortenson moved that Senate Bill No. 144 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Mortenson.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 176.
Bill read third time.
Remarks by Assemblyman Goicoechea.
Roll call on Senate Bill No. 176:
YEAS—42.
NAYS—None.

Senate Bill No. 176 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 221 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 231 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 199.

Bill read third time.

Remarks by Assemblyman Geddes.

Roll call on Senate Bill No. 199:

YEAS—42.

NAYS—None.

Senate Bill No. 199 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 253.

Bill read third time.

Remarks by Assemblymen Koivisto, Buckley, Giunchigliani, Anderson, and Ohrenschall.

Roll call on Senate Bill No. 253:

YEAS—40.

NAYS—Angle, Gustavson—2.

Senate Bill No. 253 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 255.

Bill read third time.

Remarks by Assemblymen Conklin and Leslie.

Roll call on Senate Bill No. 255:

YEAS—27.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Marvel, Sherer—15.

Senate Bill No. 255 having failed to received a two-thirds majority, Mr. Speaker pro Tempore declared it lost.

Senate Bill No. 266.

Bill read third time.

Roll call on Senate Bill No. 266:

YEAS—42.

NAYS—None.

Senate Bill No. 266 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 276.

Bill read third time.

Roll call on Senate Bill No. 276:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 276 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 287.

Bill read third time.

Remarks by Assemblywoman Angle.

Roll call on Senate Bill No. 287:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 287 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 297.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Beers, Giunchigliani, and Chowning.

Potential conflict of interest declared by Assemblyman Beers.

Roll call on Senate Bill No. 297:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 297 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 299.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Bill No. 299:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 299 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 307.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Senate Bill No. 307:

YEAS—38.

NAYS—Beers, Buckley, Gustavson—3.

EXCUSED—Knecht.

Senate Bill No. 307 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 310.

Bill read third time.

Roll call on Senate Bill No. 310:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 310 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 313.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 313:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 313 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 315.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Mabey.

Conflict of interest declared by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 315:

YEAS—40.

NAYS—None.

NOT VOTING—Ohrenschall.

EXCUSED—Knecht.

Senate Bill No. 315 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 317.

Bill read third time.

Remarks by Assemblymen Anderson and Giunchigliani.

Assemblywoman Giunchigliani requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker pro Tempore. I would like to note that we had our Fiscal staff take a look at this because we weren't sure why this legislation was necessary. For years, in our budgets, we have had schoolteachers assigned to each of the institutions. We did have an argument with the prison this year about taking store fund money to use for a "literacy" program. We had them go back because of the curriculum that is supposed to be a component. I note, for the record, that this complies with what current practice is and is not intended to expand their programs unless they come back with legislation for additional funding. There should be no fiscal impact.

Roll call on Senate Bill No. 317:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 317 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly recess until 1:30 p.m.

Motion carried.

Assembly in recess at 1:18 p.m.

ASSEMBLY IN SESSION

At 1:40 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was re-referred Senate Bill No. 355, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 322.
Bill read third time.
Remarks by Assemblyman Claborn.
Roll call on Senate Bill No. 322:
YEAS—41.
NAYS—None.
EXCUSED—Knecht.
Senate Bill No. 322 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 327.
Bill read third time.
Roll call on Senate Bill No. 327:
YEAS—38.
NAYS—Andonov, Hardy, Weber—3.
EXCUSED—Knecht.
Senate Bill No. 327 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 359.
Bill read third time.
Remarks by Assemblywoman Koivisto.
Roll call on Senate Bill No. 359:
YEAS—41.
NAYS—None.
EXCUSED—Knecht.
Senate Bill No. 359 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 362.
Bill read third time.
Roll call on Senate Bill No. 362:
YEAS—41.
NAYS—None.
EXCUSED—Knecht.
Senate Bill No. 362 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 363.
Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 363:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 363 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 373.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 373:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 373 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 19, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 549.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Arberry moved that Senate Bill No. 456 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 378.

Bill read third time.

Remarks by Assemblywoman Angle.

Roll call on Senate Bill No. 378:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 378 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Senate Bill No. 383.

Bill read third time.

Remarks by Assemblyman Geddes.

Roll call on Senate Bill No. 383:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 383 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 387.

Bill read third time.

Roll call on Senate Bill No. 387:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 387 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 394.

Bill read third time.

Remarks by Assemblyman Geddes.

Roll call on Senate Bill No. 394:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 394 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Roll call on Senate Bill No. 396:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 396 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 401.

Bill read third time.

Roll call on Senate Bill No. 401:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 401 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 405.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 405:

YEAS—41.
NAYS—None.
EXCUSED—Knecht.

Senate Bill No. 405 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Senate Bill No. 407.
Bill read third time.
Roll call on Senate Bill No. 407:
YEAS—41.
NAYS—None.
EXCUSED—Knecht.

Senate Bill No. 407 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 408.
Bill read third time.
Roll call on Senate Bill No. 408:
YEAS—41.
NAYS—None.
EXCUSED—Knecht.

Senate Bill No. 408 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 410.
Bill read third time.
Roll call on Senate Bill No. 410:
YEAS—41.
NAYS—None.
EXCUSED—Knecht.

Senate Bill No. 410 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:00 p.m.

ASSEMBLY IN SESSION

At 2:01 p.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Senate Bill No. 353 be taken from the Chief Clerk's desk and placed on General File.
Motion carried.

Assemblyman Hettrick moved that Senate Bill No. 483 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 483.

Bill read third time.

The following amendment was proposed by Assemblyman Hettrick:

Amendment No. 829.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "2 to 4, inclusive,".

Amend the bill as a whole by adding new sections designated sections 3.1 through 3.9, following sec. 3, to read as follows:

"Sec. 3.1. *1. The Department may issue a driver's license to a person who is 16 or 17 years of age if:*

(a) Except as otherwise provided in subsection 2, he has completed a course:

(1) In automobile driver education pursuant to NRS 389.090; or

(2) Provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) He has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) He submits to the Department a form provided by the Department that is signed:

(1) By his parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor, which attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) He has not been found to be responsible for a motor vehicle accident during the 6 months before he applies for the driver's license;

(e) He has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before he applies for the driver's license; and

(f) He has held an instruction permit for not less than 6 months before he applies for the driver's license.

2. A person who is 16 or 17 years of age and who:

(a) Resides in a county whose population is less than 50,000 or in a city or town whose population is less than 25,000; and

(b) Is not enrolled in a school or is enrolled in a school that does not offer automobile driver education,

is not required to complete a course as required pursuant to paragraph (a) of subsection 1.

Sec. 3.3. *1. Except as otherwise provided in subsection 2, a person to whom a driver's license is issued pursuant to section 3.1 of this act shall not, during the first 6 months after the date on which the driver's license is issued, transport as a passenger a person who is under 18 years of age.*

2. A person to whom a driver's license is issued pursuant to section 3.1 of this act may transport as a passenger a member of his immediate family, regardless of the age of the family member.

3. If the parent or legal guardian of a person to whom a driver's license is issued pursuant to section 3.1 of this act knowingly and willfully allows the person to operate a motor vehicle in violation of this section, the parent or legal guardian is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

Sec. 3.5. *1. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of section 3.3 of this act. A citation may be issued for a violation of section 3.3 of this act only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.*

2. A violation of section 3.3 of this act:

(a) Is not a moving traffic violation pursuant to NRS 483.473; and

(b) Is not grounds for suspension or revocation of the driver's license pursuant to NRS 483.360.

Sec. 3.7. *The Department may:*

1. With respect to a driver's license that is issued pursuant to section 3.1 of this act:

(a) Include on the face of the license the original date on which the license was issued; or

(b) Otherwise indicate that the license is for use by a person who:

(1) Is 16 or 17 years of age; and

(2) Satisfied the requirements set forth in section 3.1 of this act before receiving the license;

2. Issue drivers' licenses pursuant to section 3.1 of this act with distinguishing characteristics which clearly indicate that the licensee is 16 or 17 years of age; and

3. Adopt regulations necessary to carry out the laws governing the issuance of drivers' licenses pursuant to section 3.1 of this act.

Sec. 3.9. *If the driver's license of a person who is under 18 years of age is restricted or suspended as a result of an act committed in violation of sections 3.1 to 3.9, inclusive, of this act, the restriction or suspension remains in effect until the end of the term of the restriction or suspension even if the person becomes 18 years of age before the end of the term of the restriction or suspension.*".

Amend sec. 5, page 3, line 37, by deleting "*and 3*" and inserting: "*to 3.9, inclusive,*".

Amend the bill as a whole by adding new sections designated sections 6.3 and 6.7, following sec. 6, to read as follows:

"Sec. 6.3. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive ~~[.]~~ *, and sections 2 to 3.9, inclusive, of this act:*

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) ~~[Except as otherwise provided in paragraph (e), a license to a person between the ages of 15 3/4 and 18 years if:~~

~~(1) He has completed a course:~~

~~(I) In automobile driver education pursuant to NRS 389.090; or~~

~~(II) Provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;~~

~~(2) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280;~~

~~(3) His parent or legal guardian signs and submits to the Department a form provided by the Department which attests that the person who wishes to obtain the license has completed the training and experience required by subparagraphs (1) and (2); and~~

~~(4) He has held an instruction permit for at least:~~

~~(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;~~

~~(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or~~

~~(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.~~

~~(e) A license to a person who is between the ages of 15 3/4 and 18 years if:~~

~~(1) The public school in which he is enrolled is located in a county whose population is less than 50,000 or in a city or town whose population is less than 25,000;~~

~~(2) The public school does not offer automobile driver education;~~

~~(3) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280;~~

~~(4) His parent or legal guardian signs and submits to the Department a form provided by the Department which attests that the person who wishes to obtain the license has completed the experience required by subparagraph (3); and~~

~~(5) He has held an instruction permit for at least:~~

~~(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;~~

~~(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or~~

~~(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.~~] *A driver's license to a person who is 16 or 17 years of age pursuant to the provisions of section 3.1 of this act.*

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, *and sections 2 to 3.9, inclusive, of this act* to take an examination, unless he has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this state.

8. To any child who is the subject of a court order issued pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.2255, 62.226 or 62.228 which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.

Sec. 6.7. NRS 483.255 is hereby amended to read as follows:

483.255 The Department shall adopt regulations that set forth the number of hours of training which a person whose age is less than 18 years must complete in a course provided by a school for training drivers to be issued a *driver's* license pursuant to subparagraph (2) of paragraph ~~[(d)]~~ *(a)* of subsection 1 of ~~[NRS 483.250.]~~ *section 3.1 of this act.* The regulations must require that the number of hours that must be completed by such a person be comparable to the number of hours of instruction which would be required of such a person if he completed his training in a course provided pursuant to NRS 389.090.".

Amend the bill as a whole by adding a new section designated sec. 9.5, following sec. 9, to read as follows:

"Sec. 9.5. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, *and sections 2 to 3.9, inclusive, of this act,* unless such violation is, by NRS 483.010 to 483.630, inclusive, *and sections 2 to 3.9, inclusive, of this act* or other law of this state, declared to be a felony.".

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5. NRS 484.466 is hereby amended to read as follows:

484.466 *1.* A person shall not operate a motor vehicle in a jurisdiction during any time when he is in violation of a curfew in the jurisdiction.

2. If the parent or legal guardian of a person under the age of 18 years knowingly and willfully allows the person to operate a motor vehicle in violation of this section, the parent or legal guardian is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.".

Amend the bill as a whole by adding new sections designated sections 18.3 and 18.7, following sec. 18, to read as follows:

"Sec. 18.3. NRS 389.090 is hereby amended to read as follows:

389.090 1. The State Board shall adopt regulations governing the establishment, conduct and scope of automobile driver education in the public schools of this state. The regulations must set forth, without limitation:

(a) The number of hours of training that must be completed by a pupil who enrolls in a course in automobile driver education;

(b) That a course in automobile driver education ~~[may be]~~ *:*

(1) Must include a component of training conducted in a classroom ~~[or]~~ *; and*

(2) May, in addition to the component of training conducted in a classroom, include a component of training conducted in a motor vehicle *;* ~~[, or both,]~~ and

(c) That if a course in automobile driver education ~~[is]~~ *includes components of training* conducted both in a classroom and in a motor vehicle ~~[,]~~ *:*

(1) One hour of training in a motor vehicle is equivalent to 3 hours of training in a classroom ~~[.]~~ *; and*

(2) Not more than one-half of the required number of hours of training described in paragraph (a) may be training in a motor vehicle.

2. The aims and purposes of automobile driver education are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

3. The board of trustees of a school district may establish and maintain courses in automobile driver education during regular semesters and summer sessions and during the regular school day and at times other than during the regular school day for:

(a) Pupils enrolled in the regular full-time day high schools in the school district.

(b) Pupils enrolled in summer classes conducted in high schools in the school district. A board of trustees maintaining courses in automobile driver education shall insure against any liability arising out of the use of motor vehicles in connection with those courses. The cost of the insurance must be paid from available money of the school district.

4. A governing body of a charter school may establish and maintain courses in automobile driver education if the governing body insures against any liability arising out of the use of motor vehicles in connection with those courses.

5. Automobile driver education must be provided by boards of trustees of school districts and governing bodies of charter schools in accordance with the regulations of the State Board and may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

6. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must include, without limitation, instruction in:

(a) Motor vehicle insurance.

(b) The effect of drugs and alcohol on an operator of a motor vehicle.

7. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must be restricted to pupils who are at least 15 years of age.

Sec. 18.7. NRS 483.253 is hereby repealed.”.

Amend sec. 19, page 16, line 34, after “19.” by inserting “1.”.

Amend sec. 19, page 16, between lines 42 and 43, by inserting:

"2. The provisions of sections 3.1 to 3.7, inclusive, and 6.3 of this act do not apply to a person who has been issued a driver's license before October 1, 2003.".

Amend the bill as a whole by adding the text of the repealed section, following sec. 20, to read as follows:

"

TEXT OF REPEALED SECTION

483.253 Restrictions on transporting passengers who are under 18 years of age; exception for members of immediate family.

1. If a person is under the age of 16 years on the date on which the Department issues a license to him pursuant to NRS 483.250, he shall not, during the 90 days immediately succeeding the date on which the Department issues that license, transport as a passenger in a motor vehicle that he is driving any person under the age of 18 years unless that passenger is a member of his immediate family.

2. If a person is 16 years of age or older but less than 17 years of age on the date on which the Department issues a license to him pursuant to NRS 483.250, he shall not, during the 60 days immediately succeeding the date on which the Department issues that license, transport as a passenger in a motor vehicle that he is driving any person under the age of 18 years unless that passenger is a member of his immediate family.

3. If a person is 17 years of age or older but less than 18 years of age on the date on which the Department issues a license to him pursuant to NRS 483.250, he shall not, during the 30 days immediately succeeding the date on which the Department issues that license, transport as a passenger in a motor vehicle that he is driving any person under the age of 18 years unless that passenger is a member of his immediate family.".

Amend the title of the bill to read as follows:

"AN ACT relating to the Department of Motor Vehicles; making various changes regarding identification cards, drivers' licenses and driving privileges; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblymen Hettrick, Beers, Chowning, Carpenter, Ohrenschall, and Goldwater.

Assemblymen Arberry, Giunchigliani, and Leslie moved the previous question.

Motion carried.

The question being the adoption of Amendment No. 829 to Senate Bill No. 483.

Assemblymen Hettrick, Angle and Sherer requested a Roll Call vote on Amendment No. 829 to Senate Bill No. 483.

Roll call on Amendment No. 829 to Senate Bill No. 483:

YEAS—13.

NAYS—Anderson, Arberry, Atkinson, Buckley, Carpenter, Chowning, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Hardy, Horne, Koivisto, Leslie, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Williams—28.

EXCUSED—Knecht.

Amendment lost.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 483:

YEAS—41.

NAYS—None.

EXCUSED—Knecht.

Senate Bill No. 483 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 439 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 439.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 781.

Amend the bill as a whole by adding a new section designated sec. 33.5, following sec. 33, to read as follows:

"Sec. 33.5. NRS 1A.270 is hereby amended to read as follows:

1A.270 1. Each justice of the Supreme Court or district judge who is elected or appointed as a justice of the Supreme Court or a district judge on or after November 5, 2002, who takes office on or after January 1, 2003, and who previously has not served as either a justice of the Supreme Court or a district judge must receive benefits for retirement, benefits for disability and survivor benefits under the Judicial Retirement Plan, if eligible to receive such benefits under the Judicial Retirement Plan, unless he is a member of the Public Employees' Retirement System and elects to remain a member pursuant to NRS 1A.280 if eligible to do so.

2. Each justice of the Supreme Court or district judge who is elected or appointed as a justice of the Supreme Court or district judge on or after November 5, 2002, and who previously has served as either a justice of the Supreme Court or a district judge *and each justice of the Supreme Court or district judge who is serving as a justice of the Supreme Court or district judge on November 5, 2002,* must receive benefits for retirement, benefits for disability and survivor benefits pursuant to either:

(a) NRS 2.060 to 2.083, inclusive, or 3.090 to 3.099, inclusive, as those sections existed on November 5, 2002, if eligible to receive such benefits under such provisions; or

(b) The Judicial Retirement Plan, if eligible to receive such benefits under the Judicial Retirement Plan, whichever is most beneficial to the justice or judge or his survivor, as determined by the justice or judge at the time of his retirement or the time at which he becomes disabled, or as determined by his survivor at the time of his death, unless he is a member of the Public Employees' Retirement System and elects to remain a member pursuant to NRS 1A.280 if eligible to do so. A survivor may not change a determination that affects the survivor and which was made by a justice or judge pursuant to this section while the justice or judge was alive.

3. A determination made pursuant to subsection 2 is final and if a justice or judge or his survivor determines pursuant to subsection 2:

(a) To receive benefits pursuant to the Judicial Retirement Plan, the justice, judge or survivor may not receive benefits pursuant to NRS 2.060 to 2.083, inclusive, or pursuant to NRS 3.090 to 3.099, inclusive; or

(b) To receive benefits pursuant to NRS 2.060 to 2.083, inclusive, or pursuant to NRS 3.090 to 3.099, inclusive, the justice, judge or survivor may not receive benefits pursuant to the Judicial Retirement Plan.

4. No justice of the Supreme Court or district judge or survivor of a justice of the Supreme Court or district judge may receive benefits under both this chapter and:

(a) NRS 2.060 to 2.083, inclusive; or

(b) NRS 3.090 to 3.099, inclusive.

5. A justice of the Supreme Court or district judge or a survivor of a justice of the Supreme Court or district judge who is receiving retirement allowances pursuant to NRS 2.060 to 2.083, inclusive, or pursuant to NRS 3.090 to 3.099, inclusive, on January 1, 2003, is not eligible for transfer to the Judicial Retirement Plan.".

Amend the title of the bill, eleventh line, after "Plan;" by inserting: "authorizing certain justices of the Supreme Court and district judges to receive benefits for retirement, benefits for disability and survivor benefits pursuant to the Judicial Retirement Plan;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 73 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 90 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblyman Anderson.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 40.

The following Senate amendment was read:

Amendment No. 709.

Amend section 1, page 1, line 10, by deleting "*Ninety*" and inserting "*Thirty*".

Amend section 1, page 2, between lines 2 and 3, by inserting:

"*5. If an action is recommenced pursuant to paragraph (b) of subsection 1, any applicable findings of fact or conclusions of law entered by the court that dismissed the action shall be deemed binding in the action that is recommenced.*".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 40.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

The following Senate amendment was read:

Amendment No. 663.

Amend section 1, pages 1 and 2, by deleting lines 3 through 13 on page 1 and lines 1 through 6 on page 2, and inserting:

"432B.430 *1.* Except as otherwise provided in *subsection 4 and* NRS 432B.457, *any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, must be closed to the general public unless the judge or master, upon his own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or master shall consider and give due weight to the desires of that child.*

2. Unless the judge or master determines pursuant to subsection 1 that all or part of a proceeding must be open to the general public and except as otherwise provided in NRS 432B.457, the general".

Amend section 1, page 2, by deleting lines 10 through 30 and inserting:

"*3. If the judge or master determines pursuant to subsection 1 that all or part of a proceeding must be open to the general public, the judge or master must make specific findings of fact to support such a determination.*".

Amend the title of the bill to read as follows:

"AN ACT relating to the protection of children; providing that proceedings concerning the abuse or neglect of children are presumptively closed to the public; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides that proceedings concerning abuse or neglect of children are presumptively closed to public. (BDR 38-689)".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 132.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92.

The following Senate amendment was read:

Amendment No. 658.

Amend section 1, page 2, line 34, by deleting "*such*" and inserting "*the*".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 6 and 7 and adding new sections designated sections 3 through 5, following sec. 2, to read as follows:

"Sec. 3. NRS 105.070 is hereby amended to read as follows:

105.070 1. The Secretary of State or county recorder shall mark any security instrument and any statement of change, merger or consolidation presented for filing with the day and hour of filing and the file number assigned to it. This mark is, in the absence of other evidence, conclusive proof of the time and fact of presentation for filing.

2. The Secretary of State or county recorder shall retain and file all security instruments and statements of change, merger or consolidation presented for filing.

3. The uniform fee for filing and indexing a security instrument, or a supplement or amendment thereto, and a statement of change, merger or consolidation, and for stamping a copy of those documents furnished by the secured party or the public utility ~~[.]~~ to show the date and place of filing is ~~[$15 if the document is in the standard form prescribed by the Secretary of State and otherwise is $20, plus $1 for each additional debtor or trade name.]~~ *:*

(a) Twenty dollars if the record is communicated in writing and consists of one or two pages;

(b) Forty dollars if the record is communicated in writing and consists of more than two pages, and $1 for each page over 20 pages;

(c) Ten dollars if the record is communicated by another medium authorized by filing-office rule; and

(d) One dollar for each additional debtor, trade name or reference to another name under which business is done.

Sec. 4. NRS 105.080 is hereby amended to read as follows:

105.080 *1.* Upon the request of any person, the Secretary of State shall issue his certificate showing whether there is on file *,* on the date and hour stated therein, any presently effective security instrument naming a particular public utility ~~[,]~~ and *,* if there is, giving the date and hour of filing of the instrument and the names and addresses of each secured party. The uniform fee for such a certificate is ~~[$15 if the request for the certificate is in the standard form prescribed by the Secretary of State and otherwise is $20.]~~ *:*

(a) Twenty dollars if the request is communicated in writing; and

(b) Fifteen dollars if the request is communicated by another medium authorized by filing-office rule.

2. Upon request *,* the Secretary of State or a county recorder shall furnish a copy of any filed security instrument upon payment of the statutory fee for copies.

Sec. 5. NRS 108.831 is hereby amended to read as follows:

108.831 1. If a notice of federal lien, a refiling of a notice of federal lien ~~[,]~~ or a notice of revocation of any certificate described in subsection 2 is presented to the filing officer who is:

(a) The Secretary of State, he shall cause the notice to be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

(b) Any other officer described in NRS 108.827, he shall endorse thereon his identification and the date and time of receipt and forthwith file it alphabetically or enter it in an alphabetical index showing the name of the person named in the notice and the date of receipt.

2. If a certificate of release, nonattachment, discharge or subordination of any federal lien is presented to the Secretary of State for filing he shall:

(a) Cause a certificate of release or nonattachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code, except that the notice of lien to which the certificate relates must not be removed from the files; and

(b) Cause a certificate of discharge or subordination to be held, marked and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code.

3. If a refiled notice of federal lien referred to in subsection 1 or any of the certificates or notices referred to in subsection 2 is presented for filing with any other filing officer specified in NRS 108.827, he shall enter the refiled notice or the certificate with the date of filing in any alphabetical index of liens.

4. Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any active notice of lien or certificate or notice affecting any lien filed under NRS 108.825 to 108.837, inclusive, naming a particular person ~~[,]~~ and *,* if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The certificate must state that it reveals active liens only. The

fee for a certificate is ~~[$15 if the statement is in the standard form prescribed by the Secretary of State and otherwise is $20.]~~ *:*

(a) Twenty dollars if the request is communicated in writing; and

(b) Fifteen dollars if the request is communicated by another medium authorized by filing-office rule.

5. Upon request *,* the filing officer shall furnish a copy of any notice of federal lien or notice or certificate affecting a federal lien for the statutory fee for copies.".

Amend the title of the bill, third line, after "records;" by inserting: "revising certain fees related to certain security instruments and liens;".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 92.

Remarks by Assemblyman Anderson.

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

Assembly in recess at 2:28 p.m.

ASSEMBLY IN SESSION

At 2:29 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 100.

The following Senate amendment was read:

Amendment No. 578.

Amend section 1, page 2, by deleting line 2 and inserting: "exceed $7,500 $150.00

If the sum claimed exceeds $7,500 but does not exceed $10,000 175.00".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. Chapter 38 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Supreme Court shall adopt rules to provide for the establishment of a mandatory short trial program for civil cases in the justices' courts.

2. This section does not apply to the following actions and proceedings:

(a) Actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $10,000 or when no damages are claimed.

(b) Actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $10,000 or when no damages are claimed.

(c) Any action for the issuance of a temporary or extended order for protection against domestic violence.

(d) An action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(e) Small claims actions under the provisions of chapter 73 of NRS.

(f) Any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

3. As used in this section, "short trial" means a trial that is conducted in accordance with procedures designed to limit the length of the trial, including, without limitation, restrictions on the amount of discovery requested by each party, the use of a jury composed of not more than six persons, and a specified limit on the amount of time each party may use to present his case.

Sec. 4. NRS 38.250 is hereby amended to read as follows:

38.250 1. Except as otherwise provided in NRS 38.310 ~~[.]~~ *and section 3 of this act:*

(a) All civil actions filed in district court for damages, if the cause of action arises in the State of Nevada and the amount in issue does not exceed $40,000, must be submitted to nonbinding arbitration in accordance with the provisions of NRS 38.250 to 38.259, inclusive, unless the parties have agreed to submit the action to an alternative method of resolving disputes established by the Supreme Court pursuant to NRS 38.258, including, without limitation, a settlement conference, mediation or a binding short trial, and that method has resulted in a binding disposition of the action. If an action is submitted to an alternative method of resolving disputes pursuant to this paragraph and a binding disposition of the case does not result, the action must be submitted to nonbinding arbitration, but the parties may agree to submit the action to another alternative method of resolving disputes while the nonbinding arbitration is pending or after the nonbinding arbitration has been completed.

(b) A civil action for damages filed in justice's court may be submitted to arbitration or to an alternative method of resolving disputes, including, without limitation, a settlement conference, mediation or a binding short trial, if the parties agree to the submission.

2. An agreement entered into pursuant to this section must be:

(a) Entered into at the time of the dispute and not be a part of any previous agreement between the parties;

(b) In writing; and

(c) Entered into knowingly and voluntarily.

An agreement entered into pursuant to this section that does not comply with the requirements set forth in this subsection is void.

3. As used in this section, "short trial" means a trial that is conducted, with the consent of the parties to the action, in accordance with procedures designed to limit the length of the trial, including, without limitation, restrictions on the amount of discovery requested by each party, the use of a jury composed of not more than six persons, and a specified limit on the amount of time each party may use to present his case.".

Amend the bill as a whole by renumbering sections 4 and 5 as sections 7 and 8 and adding a new section designated sec. 6, following sec. 3, to read as follows:

"Sec. 6. Section 1 of Senate Bill No. 88 of this session is hereby amended to read as follows:

Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1.]~~ If an action is filed in the district court and a district judge determines that the ~~[sum claimed, exclusive of interest, does not exceed $7,500,]~~ *action is properly within the jurisdiction of the justice's court pursuant to NRS 4.370,* the district judge may transfer original jurisdiction of the action to the justice's court.

~~[2. For the purposes of this section, "action" includes the following civil cases and proceedings and no others except as otherwise provided by specific statute:~~

~~(a) An action arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, exceeds $7,500.~~

~~(b) An action for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed exceeds $7,500.~~

~~(c) Except in actions for a fine imposed for a violation of NRS 484.757, an action for a fine, penalty or forfeiture exceeding $7,500, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.~~

~~(d) An action upon bonds or undertakings conditioned for the payment of money, if the sum claimed exceeds $7,500.~~

~~(e) An action to recover the possession of personal property, if the value of the property exceeds $7,500.~~

~~(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, exceeds $7,500.~~

~~(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed exceed $7,500.~~

~~(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed exceed $7,500.~~

~~(i) Of suits for the collection of taxes, where the amount of the tax sued for exceeds $7,500.~~

~~(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, exceeds $7,500.~~

~~(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, exceeds $7,500.~~]".

Amend sec. 4, page 6, line 3, after "of" by inserting: "sections 1 to 5, inclusive, of".

Amend sec. 5, page 6, by deleting line 5 and inserting:

"Sec. 8. 1. This section and section 6 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, and 7 of this act become effective on January 1, 2005.".

Amend the title of the bill, second line, after "courts;" by inserting: "providing for the establishment of a mandatory short trial program for civil cases in the justices' courts;".

Amend the summary of the bill to read as follows:

"SUMMARY—Increases monetary limit of jurisdiction of justices' courts and provides for establishment of mandatory short trial program for civil cases in justices' courts. (BDR 1-855)".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 100.

Remarks by Assemblyman Anderson.

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

Assembly in recess at 2:31 p.m.

ASSEMBLY IN SESSION

At 2:33 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 424, 432, 434, 450, 465, 466, 467, 469, 470, 471, 475, 476, 478, 481, 482, 485, 486, 490, 493; Senate Joint Resolutions Nos. 3 and 4; Senate Bill No. 353 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Mortenson moved that Senate Bill No. 144 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 15, 51, 79, 135, 143, 149, 151, 296, 331, 530; Senate Bills Nos. 13, 16, 37, 54, 68, 140, 141, 145, 201, 358; Senate Concurrent Resolutions Nos. 12 and 15.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Cox, John Tewell, and Faye Tewell.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Evan Alcorn.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Emke-Williams, Mary Karrasch, Thomas Baker, Janice Bense, Karen Keese, Audrey Coates, Tammy McBeth, David Hammond, Jeremy Crocker, Carlos Davila, Chezlynn Fosmo, Amity Hammond, Kevin Lankford, Scott Llewellyn, Brendan McBeth, Desiree McIntosh, Daniella Miller, Jordan Mize, Trinette Requena, Kevin Spears, Derrick Stanford, Katelynn Wegner, Nicholas Wilburn, Colton Oviatt, Hannah Kimball, Bo Bettinson, Stephanie Phillips, Casey Lewin, Jonathan Baker, Dean Chavez, Jacob DeWitt, Amanda Fiedler, Randy Garcia, Logan Glover, Sarah Graf, Adam Hjerstedt, Myriah Keeso, Matt Ketchum, Joeseph Kuhl, Kendra Lords, Caitlyn Marsh, Deanna McIntosh, Richard Orr, Taylor Robertson, Ty Rupley, Anthony Smith, Thomas Summerbell, and Aaron Thomas.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Horne and William Henry Horne II.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 21, 2003, at 11:00 a.m. and do so in the memory of Herman Fisher.

Motion carried.

Assembly adjourned at 2:38 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 21, 2003

Assembly called to order at 11:35 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Monte Fast.

Great Father and Protector of us all, as national leaders approach a holiday weekend with increased sensitivity to the threat of terrorism, make us mindful of the truly great blessings of liberty we enjoy. Give wisdom to our leaders. Protect our young men and women who watch. Hasten the day when men and women who worship Jehovah or Allah hear one voice and beat swords into plowshares.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 66, 319, 372, 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was re-referred Senate Bill No. 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Senate Bills Nos. 262, 309, 449, 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 143, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 136, 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 153, 361, 488; Assembly Joint Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 78, Amendments Nos. 773, 719; Assembly Bill No. 114, Amendment No. 678; Assembly Bill No. 125, Amendment No. 679; Assembly Bill No. 146, Amendments Nos. 739, 665; Assembly Bill No. 156, Amendment No. 659; Assembly Bill No. 205, Amendment No. 579; Assembly Bill No. 217, Amendment No. 582; Assembly Bill No. 218, Amendment No. 722; Assembly Bill No. 288, Amendment No. 707; Assembly Bill No. 365, Amendment No. 671; Assembly Bill No. 384, Amendment No. 718; Assembly Bill No. 390, Amendment No. 680; Assembly Bill No. 458, Amendment No. 681; Assembly Bill No. 485, Amendment No. 633, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 191, 263, 324.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 591 to Senate Bill No. 237.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Assemblyman Oceguera moved that Senate Bills Nos. 19, 136, 143, 146, 175, 312, 328, 386, 447, and 451 be placed on the Second Reading File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 332 just reported out of committee, be placed at the top of the General File.

Motion carried.

NOTICE OF WAIVER

A Waiver requested by Senator William J. Raggio.

For: A New BDR No. 20-1356.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above).

With the following conditions:

Must be introduced within 10 days after delivery (if new BDR).

Has been granted effective: May 21, 2003.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 28—Providing for the compensation of the clergy for services rendered to the Assembly and the Senate during the 72nd Session of the Nevada Legislature.

WHEREAS, The members of the 72nd Session of the Nevada Legislature have been sincerely appreciative of the daily religious services rendered by members of the clergy representing various denominations; and

WHEREAS, The invocations offered by the clergy provided inspiration and guidance for the members of the Nevada Legislature as they faced the challenges and demands of the 72nd Session; and

WHEREAS, A reasonable compensation should be provided for the clergy who performed such services; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the State Controller is authorized and directed to pay the sum of $35 per service out of the Legislative Fund to the members of the clergy who have performed religious services for the Assembly and the Senate during the 72nd Session of the Nevada Legislature.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblyman Oceguera.

Resolution adopted.

Assembly Concurrent Resolution No. 10.

Resolution read.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 796.

Amend the resolution, page 2, by deleting lines 14 through 16 and inserting: "committee of at least nine members, who are not Legislators, as follows:

1. At least one representative of the Retired Public Employees of Nevada or its successor organization;

2. At least one representative of the Nevada Association of Counties, or its successor organization, or the Nevada League of Cities, or its successor organization;

3. At least one representative of the State of Nevada Employees Association or its successor organization;

4. At least one person who possesses knowledge concerning the management of risk or the management of insurance trusts;

5. At least one provider of health insurance;

6. The Executive Officer of the Board of the Public Employees' Benefits Program; and

7. Representatives of other local public employee organizations and representatives of public employers; and be it further".

Amend the resolution, page 2, line 19, by deleting "premiums" and inserting: "premiums, equitable employee contributions based upon actual costs to this state".

Amend the resolution, page 2, line 27, by deleting "operation" and inserting: "statewide operation or the regional operation".

Amend the resolution, page 2, by deleting lines 38 through 40 and inserting:

"8. The feasibility and desirability of establishing a program similar to the Federal Employees Health Benefits Program, which provides a choice through local and national carriers;".

Amend the resolution, page 2, by deleting line 43 and inserting: "their service;

10. Consideration of requiring nonstate public employers' benefit plans to include reinstatement rights for their retirees, as currently required by the Public Employees' Benefits Program;

11. Consideration of options for prefunding retiree health benefits for all members of the Public Employees' Benefits Program;

12. Consideration of a state subsidy mechanism providing for a specific dollar amount or a specific percentage of the cost for employees and separately for their dependents, including an appropriate funding method;

13. A review of this state's retiree subsidy formula for past, present and future retirees and an appropriate funding method to address the current structural deficit;

14. Consideration of the feasibility, desirability and financial impact of authorizing large groups of participants to withdraw from the Public Employees' Benefits Program to obtain group insurance from other sources;

15. Consideration of the feasibility and financial impact of the State of Nevada forming one or more purchasing coalitions with surrounding states or private entities, or both; and

16. An analysis and review of issues related to:

(a) Pharmaceutical programs that are designed to reduce the price of prescription drugs for:

(1) Persons of low income in this state;

(2) Enrollees in this state's health benefits plan; and

(3) Participants in programs administered by this state that make available or provide prescription drugs;

(b) Prescription drug buying clubs that are used in other states and the potential for such clubs to assist the residents of this state in reducing their expenses for prescription drugs;

(c) Methods to access manufacturer rebates for prescription drugs to assist the residents of this state in reducing their expenses for prescription drugs;

(d) Interagency bulk purchasing and interstate buying of prescription drugs to reduce the prices of prescription drugs for this state's programs and health benefits plan;

(e) Methods to negotiate for lower prices on prescription drugs and a plan to carry out the methods; and

(f) Methods to control the prices of prescription drugs for this state's programs that provide pharmaceutical assistance to persons of low income in this state and for enrollees in this state's health benefits plan; and be it further".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to Resolution File.

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

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 191.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 263.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 324.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 835.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. 1. Notwithstanding any other provision of law to the contrary, the State Public Works Board shall, with respect to two separate projects for new construction or major repairs that are approved by the Legislature for the 2003-2005 biennium, solicit bids for a contract for a private person or business to perform the duties described in subsection 3. In carrying out the provisions of this subsection, the Board may select one private person or business to perform the duties described in subsection 3 in regard to both such projects or the Board may select different private persons or businesses to perform the duties described in subsection 3 in regard to each such project.

2. The Board shall award and execute each contract for which bids are required to be solicited pursuant to subsection 1 as soon as practicable after the projects for new construction or major repairs are approved by the Legislature and selected by the Board. The cost of each contract awarded and executed pursuant to this section must be financed from the capital construction program approved by the Legislature.

3. The private person or business with whom the Board contracts pursuant to subsections 1 and 2 shall:

(a) Before the letting of contracts for the applicable project, assist and make recommendations to the Board with regard to, as appropriate:

(1) The choosing of an architect for the project;

(2) The determination of the scope of the project;

(3) The determination of the design of the project;

(4) The handling and management of documents relating to the construction of the project;

(5) The soliciting and acceptance of bids for the construction of the project;

(6) If necessary, the revision of bids for the construction of the project; and

(7) The letting of contracts for the construction of the project; and

(b) After the letting of contracts for the applicable project:

(1) Supervise the work performed on the project;

(2) Inspect the work performed on the project; and

(3) Manage the work performed on the project.

Sec. 2. This act becomes effective on July 1, 2003, and expires by limitation on June 30, 2007.".

Amend the title of the bill to read as follows:

"AN ACT relating to the State Public Works Board; requiring the Board to contract with a private person or business to perform certain duties in regard to certain projects for new construction or major repairs that are approved for the 2003-2005 biennium; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Privatizes temporarily certain duties of State Public Works Board. (BDR 28-1189)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 18.

Bill read second time and ordered to third reading.

Senate Bill No. 168.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 812.

Amend the bill as a whole by deleting sec. 9 and adding:

"Sec. 9. (Deleted by amendment.)".

Amend the title of the bill, fifteenth through nineteenth lines, by deleting: "requiring a person who wishes to contest a decision of the Administrator of the Division to impose an administrative fine or benefit penalty to file a notice of an appeal with an appeals officer within a certain period;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 813.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 2, line 19, by deleting: "*3 and NRS 616A.185,*" and inserting "*3,*".

Amend the title of the bill by deleting the first through third lines and inserting:

"AN ACT relating to industrial insurance; extending the coverage of industrial".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 789.

Amend sec. 3, page 1, by deleting lines 8 and 9 and inserting: "*consisting of 9 members appointed by the Legislative Commission, is hereby created. Appointments to the Commission must be made from a list of persons recommended to the Legislative Commission by organizations and other entities which represent or promote the interests of minority groups in this state.*".

Amend sec. 3, page 1, line 11, by deleting "*groups.*" and inserting: "*groups that reflects the general population of this state.*".

Amend sec. 3, page 2, by deleting lines 1 through 8 and inserting:

"*3. The members of the Commission shall elect a Chairman and a Vice Chairman from among its members.*

4. The term of office of the Chairman and the Vice Chairman is 2 years.".

Amend sec. 4, page 2, line 12, by deleting "*3*" and inserting "*2*".

Amend sec. 4, page 2, line 17, by deleting "*Governor.*" and inserting "*Legislative Commission.*".

Amend sec. 7, page 2, by deleting lines 40 through 42 and inserting:

"*3. Study the:*

(a) Availability of employment for minorities in this state, and the manner in which minorities are employed;

(b) Manner in which minorities can be encouraged to start and manage their own businesses successfully; and

(c) Availability of affordable housing for minorities;".

Amend sec. 11, page 3, line 29, by deleting "Governor" and inserting "Legislative Commission".

Amend sec. 11, page 3, line 32, by deleting "Four" and inserting "Five".

Amend sec. 11, page 3, by deleting line 33.

Amend sec. 12, page 3, line 34, by deleting "2003." and inserting: "2003, and expires by limitation on June 30, 2007.".

Amend the title of the bill, first and second lines, by deleting: "the Executive Department of State Government;" and inserting "minority groups;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Assemblywoman Giunchigliani moved that upon return from the printer Senate Bill No. 249 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Committee on Ways and Means.

Senate Bill No. 264.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 728.

Amend sec. 5, page 4, by deleting lines 21 and 22 and inserting: "the safety of the public; and".

Amend sec. 5, page 4, by deleting lines 26 through 28 and inserting:

"(1) Physically incapacitated ~~[,]~~ or *in ill health; or*

(2) In ill health and expected to die within 12 months.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 306.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 746.

Amend section 1, page 1, line 3, by deleting "*tuition,*".

Amend section 1, page 1, line 7, after "*student.*" by inserting: "*For the purpose of assessing fees and charges against a person to whom a waiver is granted pursuant to this subsection, including, without limitation, tuition charges pursuant to NRS 396.540, such a person shall be deemed to be a bona fide resident of this state.*".

Amend section 1, page 1, by deleting lines 10 through 12.

Amend section 1, page 1, line 13, by deleting "*(b)*" and inserting "*(a)*".

Amend section 1, page 2, line 1, by deleting "*(c)*" and inserting "*(b)*".

Amend section 1, page 2, line 6, by deleting "*tuition,*".

Amend section 1, page 2, line 14, by deleting "*tuition,*".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Assemblyman Williams moved that upon return from the printer Senate Bill No. 306 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Committee on Ways and Means.

Senate Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 816.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sections 3 and 4 as sections 6 and 7 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 616A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"External review organization" means an organization which has been issued a certificate pursuant to section 3 of this act that authorizes the organization to conduct external reviews for the purposes of chapters 616A to 616D, inclusive, of NRS.*

Sec. 3. *1. If the Commissioner determines that an external review organization is qualified to conduct external reviews for the purposes of chapters 616A to 616D, inclusive, of NRS, the Commissioner shall issue a certificate to the external review organization that authorizes the organization to conduct such external reviews in accordance with the provisions of section 5 of this act and the regulations adopted by the Commissioner.*

2. The Commissioner shall adopt regulations setting forth the procedures that an external review organization must follow to be issued a certificate to conduct external reviews. The regulations must include, without limitation, provisions setting forth:

(a) The manner in which an external review organization may apply for a certificate and the requirements for the issuance and renewal of the certificate pursuant to this section;

(b) The grounds for which the Commissioner may refuse to issue, suspend, revoke or refuse to renew a certificate issued pursuant to this section;

(c) The manner and circumstances under which an external review organization is required to conduct its business; and

(d) A fee for issuing or renewing a certificate of an external review organization pursuant to this section. The fee must not exceed the cost of issuing or renewing the certificate.

3. A certificate issued pursuant to this section expires 1 year after it is issued and may be renewed in accordance with regulations adopted by the Commissioner.

4. Before the Commissioner may issue a certificate to an external review organization, the external review organization must:

(a) Demonstrate to the satisfaction of the Commissioner that it is able to carry out, in a timely manner, the duties of an external review organization as set forth in section 5 of this act and the regulations adopted by the Commissioner. The demonstration must include, without limitation, proof that the external review organization employs, contracts with or otherwise retains only persons who are qualified because of their education, training, professional licensing and experience to perform the duties assigned to those persons; and

(b) Provide assurances satisfactory to the Commissioner that the external review organization will:

(1) Conduct external reviews in accordance with the provisions of section 5 of this act and the regulations adopted by the Commissioner;

(2) Render its decisions in a clear, consistent, thorough and timely manner; and

(3) Avoid conflicts of interest.

5. For the purposes of this section, an external review organization has a conflict of interest if the external review organization or any employee, agent or contractor of the external review organization who conducts an external review has a professional, familial or financial interest of a material nature with respect to any person who has a substantial interest in the outcome of the external review, including, without limitation:

(a) The claimant;

(b) The employer; or

(c) The insurer or any officer, director or management employee of the insurer.

6. The Commissioner shall not issue a certificate to an external review organization that is affiliated with:

(a) An organization for managed care which provides comprehensive medical and health care services to employees for injuries or diseases pursuant to chapters 616A to 617, inclusive, of NRS;

(b) An insurer;

(c) A third-party administrator; or

(d) A national, state or local trade association.

7. An external review organization which is certified or accredited by an accrediting body that is nationally recognized shall be deemed to have satisfied all the conditions and qualifications required for the external review organization to be issued a certificate pursuant to this section.

Sec. 4. NRS 616A.025 is hereby amended to read as follows:

616A.025 As used in chapters 616A to 616D, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in

NRS 616A.030 to 616A.360, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Not later than 5 business days after the date that an external review organization receives a request for an external review, the external review organization shall:

(a) Review the documents and materials submitted for the external review; and

(b) Notify the injured employee, his employer and the insurer whether the external review organization needs any additional information to conduct the external review.

2. The external review organization shall render a decision on the matter not later than 15 business days after the date that it receives all information that is necessary to conduct the external review.

3. In conducting the external review, the external review organization shall consider, without limitation:

(a) The medical records of the insured;

(b) Any recommendations of the physician of the insured; and

(c) Any other information approved by the Commissioner for consideration by an external review organization.

4. In its decision, the external review organization shall specify the reasons for its decision. The external review organization shall submit a copy of its decision to:

(a) The injured employee;

(b) The employer;

(c) The insurer; and

(d) The appeals officer, if any.

5. The insurer shall pay the costs of the services provided by the external review organization.

6. The Commissioner shall adopt regulations to govern the process of external review and to carry out the provisions of this section. The regulations must provide that:

(a) All parties must agree to the submission of a matter to an external review organization before a request for external review may be submitted;

(b) A party may not be ordered to submit a matter to an external review organization; and

(c) The findings and decisions of an external review organization are not binding.".

Amend sec. 4, page 3, by deleting lines 29 through 31 and inserting:

"2. *A hearing must not be scheduled until the following information is provided to the hearing officer:*

(a) The name of:".

Amend sec. 4, page 3, by deleting line 34 and inserting:

"*(3) The insurer or third-party administrator;*".

Amend the bill as a whole by renumbering sec. 5 as sec. 9 and adding a new section designated sec. 8, following sec. 4, to read as follows:

"Sec. 8. NRS 616C.330 is hereby amended to read as follows:

616C.330 1. The hearing officer shall:

(a) ~~[Within]~~ *Except as otherwise provided in subsection 2 of NRS 616C.315, within* 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians and chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

5. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

6. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

7. The hearing officer shall render his decision within 15 days after:

(a) The hearing; or

(b) He receives a copy of the report from the medical examination he requested.

8. The hearing officer shall render his decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.

9. The hearing officer shall give notice of his decision to each party by mail. He shall include with the notice of his decision the necessary forms for appealing from the decision.

10. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.".

Amend sec. 5, page 4, by deleting lines 27 through 29 and inserting:

"2. *A hearing must not be scheduled until the following information is provided to the appeals officer:*

(a) The name of:".

Amend sec. 5, page 4, by deleting line 32 and inserting:

"*(3) The insurer or third-party administrator;*".

Amend sec. 5, page 4, by deleting line 34 and inserting:

"*(c) If applicable, a copy of the letter of determination being*".

Amend sec. 5, page 5, line 15, by deleting "subsection," and inserting: " subsection ~~[,]~~ *and subsection 2,*".

Amend the bill as a whole by renumbering sec. 6 as sec. 12 and adding new sections designated sections 10 and 11, following sec. 5, to read as follows:

"Sec. 10. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him on its merits, including new evidence bearing on the matter.

3. If ~~[necessary to resolve]~~ *there is* a medical question *or dispute* concerning an injured employee's condition or ~~[to determine]~~ *concerning* the necessity of treatment for which authorization for payment has been denied, *the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an external review organization,* the appeals officer ~~[may refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the Administrator~~

~~pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.]~~ *must submit the matter to an external review organization in accordance with section 5 of this act and the regulations adopted by the Commissioner.*

4. If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

5. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

6. Any party to the appeal or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

7. The appeals officer shall render his decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

8. The appeals officer may affirm, modify or reverse any decision made by the hearing officer and issue any necessary and proper order to give effect to his decision.

Sec. 11. Notwithstanding the amendatory provisions of this act, an appeals officer shall not submit a matter for external review pursuant to NRS 616C.360, as amended by this act, until the Commissioner of Insurance has issued a certificate pursuant to section 3 of this act to at least one external review organization that is qualified to conduct an external review of the matter.”.

Amend sec. 6, page 5, line 38, by deleting: “4 and 5” and inserting: “7 and 9”.

Amend sec. 6, page 5, by deleting line 40 and inserting:

“2. Sections 1 to 6, inclusive, 8, 10 and 11 of this act become effective upon passage and”.

Amend sec. 6, page 6, by deleting lines 1 and 2.

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to industrial insurance; establishing a system of external review for certain matters relating to industrial insurance; providing for the

regulation and certification of certain external review organizations; providing for the payment of certain regulatory fees by external review organizations; revising various".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 793.

Amend section 1, page 2, by deleting lines 19 and 20 and inserting: "*direct the Committee to Review Regulations to examine any temporary regulation that a*".

Amend the bill as a whole by renumbering sections 5 through 7 as sections 6 through 8 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. NRS 233B.067 is hereby amended to read as follows:

233B.067 1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the Legislative Counsel for review by the Legislative Commission, which may refer it to a joint interim committee, to determine whether the regulation conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority. The Legislative Counsel shall endorse on the original and the copy of each adopted regulation the date of their receipt. The Legislative Counsel shall maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.

2. If an agency submits an adopted regulation to the Legislative Counsel pursuant to subsection 1 that:

(a) The agency is required to adopt pursuant to a federal statute or regulation; and

(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this state,

it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

3. The Legislative Commission, or the joint interim committee if the Commission has referred it to such a committee, shall review the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting and a regular meeting is held within 35 days after receipt of the regulation. The Commission may appoint a

~~[committee]~~ *Committee to Review Regulations* composed of three or more members of the Commission or any joint interim committee to examine proposed regulations received more than 35 days before a regular meeting is scheduled to be held.

4. The Legislative Commission shall notify the Legislative Counsel of the results of its review within 30 days after receipt of the regulation from the agency. If the Commission does not object to the regulation, the Legislative Counsel shall file it with the Secretary of State within 35 days after receipt from the agency and notify the agency of the filing. If the Commission objects to the regulation after determining that:

(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;

(b) The regulation does not conform to statutory authority; or

(c) The regulation does not carry out legislative intent, the Legislative Counsel shall attach to the regulation a written notice of the objection of the Commission, including a statement of the reasons for its objection, and shall promptly return the regulation to the agency.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 355.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 787.

Amend the bill as a whole by deleting sec. 5.5 and adding:

"Sec. 5.5. (Deleted by amendment.)".

Amend sec. 11, page 3, by deleting lines 20 through 22 and inserting: "vehicles not of the current model year ~~[.]~~ *if delivered to the dealer during the 18-month period immediately preceding the effective date of the termination or refusal to continue the franchise.* As used in this paragraph, a "new vehicle" is one which has not been damaged *,* ~~[or]~~ materially altered ~~[and registers 50 miles or less on its odometer.]~~ *or registered with the Department or with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or any foreign state, province or country.*".

Amend the bill as a whole by renumbering sections 14 through 23 as sections 15 through 24 and adding a new section designated sec. 14, following sec. 13, to read as follows:

"Sec. 14. NRS 482.36366 is hereby amended to read as follows:

482.36366 1. Each witness, other than an officer or employee of the State or of a political subdivision of the State ~~[,]~~ *or an expert witness,* who appears by order of the Director in a hearing pursuant to NRS 482.36311 to

482.36425, inclusive, *and sections 2 and 3 of this act,* is entitled to receive for his attendance the same fees allowed by law to witnesses in civil cases. ~~[The]~~ *Except as otherwise provided in subsection 2, the* amount must be paid by the party at whose request the witness is ordered to appear.

2. The Director may assess other costs against the parties as he deems appropriate. *After any hearing on a protest filed pursuant to NRS 482.36352, 482.36354 or 482.36357, if the Director determines that the manufacturer or distributor has failed to establish that there is good cause to terminate, refuse to continue, modify or replace a franchise, or to establish an additional dealership or relocate an existing dealership, the Director shall award to the dealer his attorney's fees and costs.*

3. For the purposes of this section, "costs" includes:

(a) Except as otherwise provided in paragraph (b), any applicable cost set forth in NRS 18.005; and

(b) The actual amount of any fees paid by a dealer to an expert witness in connection with the hearing.".

Amend the title of the bill to read as follows:

"AN ACT relating to vehicles; extending under certain circumstances the coverage of provisions relating to franchises for motor vehicles to include recreational vehicles designed to be mounted upon or drawn by a motor vehicle; revising the provision regarding the compensation owed to a dealer upon the termination or discontinuance of a franchise; requiring the Director of the Department of Motor Vehicles under certain circumstances to award attorney's fees and costs to dealers; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning franchises for vehicles. (BDR 43-1238)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 819.

Amend sec. 3, page 3, by deleting lines 21 through 23 and inserting: "an action in the district court of the county ~~[wherein the appealed claim or claims were filed against the Administrator]~~ *where the employment which is the basis of the claim was performed* for the review of the decision, in which action any".

Amend the title of the bill by deleting the twelfth line and inserting: "in the district court of the county where the employment which is the basis of the claim was performed; and providing other".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 820.

Amend the bill as a whole by deleting the enacting clause.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Assemblyman Goldwater moved that upon return from the printer Senate Bill No. 425 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Chief Clerk's desk.

Senate Bill No. 459.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 786.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Task Force for the Fund for a Healthy Nevada shall:

(a) Conduct public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this state.

(b) Establish a process to evaluate the health and health needs of the residents of this state and a system to rank the health problems of the

residents of this state, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) Reserve not more than 30 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to pay for prescription drugs *,* ~~[and]~~ pharmaceutical services *and limited-scope dental and vision benefits* for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money reserved to the Department pursuant to this paragraph, the Department shall subsidize all of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs *,* ~~[and]~~ pharmaceutical services *and limited-scope dental and vision benefits* pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, the Task Force for the Fund for a Healthy Nevada and the Interim Finance Committee regarding the general manner in which expenditures have been made pursuant to this paragraph and the status of the program.

(d) Reserve not more than 30 percent of all revenues deposited in the Fund for a Healthy Nevada each year for allocation by the Aging Services Division of the Department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of family caretakers;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care. The Aging Services Division of the Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada concerning the independent living needs of senior citizens.

(e) Allocate for expenditure not more than 20 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco.

(f) Allocate for expenditure not more than 20 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve health services for children and the health and well-being of persons with disabilities.

(g) Maximize expenditures through local, federal and private matching contributions.

(h) Ensure that any money expended from the Fund for a Healthy Nevada will not be used to supplant existing methods of funding that are available to public agencies.

(i) Develop policies and procedures for the administration and distribution of grants and other expenditures to state agencies, political subdivisions of

this state, nonprofit organizations, universities and community colleges. A condition of any such grant must be that not more than 8 percent of the grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per fiscal year.

(j) To make the allocations required by paragraphs (e) and (f):

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept grant applications for allocations;

(3) Conduct annual evaluations of programs to which allocations have been awarded; and

(4) Submit annual reports concerning the programs to the Governor and the Interim Finance Committee.

(k) Transmit a report of all findings, recommendations and expenditures to the Governor and each regular session of the Legislature.

2. The Task Force may take such other actions as are necessary to carry out its duties.

3. The Department shall take all actions necessary to ensure that all allocations for expenditures made by the Task Force are carried out as directed by the Task Force.

4. To make the allocations required by paragraph (d) of subsection 1, the Aging Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the grant program to the Governor and the Interim Finance Committee.

5. The Aging Services Division of the Department shall submit each proposed grant which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive.

6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph (e) or (f) of subsection 1 which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant is awarded. The request for

approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.".

Amend section 1, page 1, by deleting line 6 and inserting: "drugs *,* ~~[and]~~ pharmaceutical services ~~[.]~~ *and limited-scope dental and vision benefits.*".

Amend section 1, page 2, by deleting lines 14 and 15 and inserting: "the annual cost of insurance that ~~[provides coverage for prescription drugs and pharmaceutical services,]~~ *is made available pursuant to subsection 1,* including premiums and".

Amend section 1, page 2, line 38, after "coverage" by inserting: "*for dental or vision benefits or coverage*".

Amend section 1, page 2, by deleting line 45 and inserting: "prescription drugs *,* ~~[and]~~ pharmaceutical services *and limited-scope dental and vision benefits* for senior citizens".

Amend section 1, page 3, by deleting lines 4 and 5 and inserting: "~~[if]~~ *to the extent that* the Department provides assistance ~~[with prescription drugs and pharmaceutical services for senior citizens]~~ pursuant to subsection 6.".

Amend the title of the bill to read as follows:

"AN ACT relating to public health; providing subsidies from the Fund for a Healthy Nevada for the coverage of limited-scope dental and vision benefits within the program of subsidies for the provision of prescription drugs and pharmaceutical services to senior citizens; revising the amount of the limit on the income of a senior citizen to qualify for a subsidy for the provision of prescription drugs, pharmaceutical services and limited-scope dental and vision benefits from money in the Fund; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions concerning health benefits for senior citizens subsidized by money in Fund for a Healthy Nevada. (BDR 40-1247)".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 809.

Amend sec. 8, page 5, line 31, by deleting: "~~[paragraph (b) of subsection 1]~~ *subsection 2*" and inserting: "paragraph (b) of subsection 1".

Amend sec. 8, page 5, line 34, after "inclusive," by inserting: "*and sections 2, 3 and 4 of this act,*".

Amend sec. 9, page 7, line 35, by deleting "~~[1.]~~" and inserting "1.".

Amend sec. 9, page 7, by deleting lines 38 through 45 and inserting:

"(a) NRS 338.1377 to 338.139, inclusive ~~[,]~~ *, and sections 2, 3 and 4 of this act;* or

(b) NRS 338.143 to 338.148, inclusive ~~[.]~~ *, and sections 5, 6 and 7 of this act.*

2. The provisions of NRS 338.1375 to 338.1383, inclusive, and 338.139 *and sections 2 to 7, inclusive, of this act* do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.".

Amend sec. 10, page 8, line 5, by deleting: "~~[paragraph (a) of]~~" and inserting: "paragraph (a) of".

Amend sec. 10, page 9, line 35, by deleting: "*;* ~~[or 408.327;]~~" and inserting "or 408.327;".

Amend sec. 11, page 10, line 5, by deleting: "~~[paragraph (a) of]~~" and inserting: "paragraph (a) of".

Amend sec. 11, page 11, line 36, by deleting: "*;* ~~[or 408.327;]~~" and inserting "or 408.327;".

Amend sec. 13, page 15, line 23, by deleting: "~~[paragraph (b) of subsection 1]~~ *subsection 2*" and inserting: "paragraph (b) of subsection 1".

Amend sec. 13, page 16, line 40, by deleting: "*;* ~~[or 408.327;]~~" and inserting "or 408.327;".

Amend sec. 14, page 17, lines 9 and 10, by deleting: "~~[paragraph (b) of subsection 1]~~ *subsection 2*" and inserting: "paragraph (b) of subsection 1".

Amend sec. 14, page 18, line 32, by deleting: "*;* ~~[or 408.327;]~~" and inserting "or 408.327;".

Amend the bill as a whole by deleting sections 16 and 17 and adding:

"Secs. 16 and 17. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 20 through 26 and adding:

"Secs. 20-26. (Deleted by amendment.)".

Amend the bill as a whole by deleting the leadlines of repealed sections.

Amend the title of the bill by deleting the seventh through tenth lines and inserting: "from certain duties; and providing other".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to advertising and awarding contracts for certain smaller public works projects. (BDR 28-409)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 776.

Amend sec. 4, page 4, by deleting line 9 and inserting: "*section, if* a unit's owner ~~[,]~~ or a tenant or guest of a unit's owner ~~[,]~~".

Amend sec. 4, page 4, by deleting lines 13 and 14 and inserting:

"(a) Prohibit, for a reasonable time, the unit's owner ~~[,]~~ or the tenant or guest of the unit's owner ~~[,]~~ from:".

Amend sec. 4, page 4, by deleting lines 18 and 19 and inserting: "subparagraph do not prohibit the unit's owner ~~[,]~~ or the tenant or guest of the unit's owner ~~[,]~~ from using any vehicular or pedestrian".

Amend sec. 4, page 4, by deleting lines 22 and 23 and inserting:

"(b) ~~[Require]~~ *Impose a fine against* the unit's owner ~~[,]~~ or the tenant or guest of the unit's owner ~~[, to pay a fine]~~ for each".

Amend sec. 4, pages 4 and 5, by deleting lines 31 through 45 on page 4 and lines 1 and 2 on page 5, and inserting:

"2. *The executive board may not impose a fine pursuant to subsection 1 unless:*".

Amend sec. 4, page 5, line 15, by deleting "*4.*" and inserting "*3.*".

Amend sec. 4, page 5, line 20, by deleting "*5.*" and inserting "*4.*".

Amend sec. 4, page 5, by deleting line 27 and inserting:

"*5.* If a fine is imposed pursuant to subsection 1 and the".

Amend sec. 4, page 5, line 38, by deleting "*7.*" and inserting "*6.*".

Amend sec. 4, page 6, line 1, by deleting "*8.*" and inserting "*7.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 737.

Amend sec. 2, page 2, by deleting lines 4 and 5 and inserting:

"3. *The public administrator of a county must:*".

Amend sec. 2, page 2, line 9, after "*jurisdiction;*" by inserting "*and*".

Amend sec. 2, page 2, line 12, by deleting "*conversion; and*" and inserting "*conversion.*".

Amend sec. 2, page 2, by deleting lines 13 through 26.

Amend the title of the bill to read as follows:

"AN ACT relating to public administrators; authorizing a board of county commissioners to examine and audit the money and property entrusted to the care of the public administrator of the county; revising the qualifications for public administrators; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing public administrators. (BDR 20-419)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 637.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 332.015 is hereby amended to read as follows:

332.015 For the purpose of this chapter, unless the context otherwise requires, "local government" means:

1. Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, 473, 474, 539, 541, 543 and 555 of NRS.

2. The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

3. County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to ~~[244A.667,]~~ *244A.655,* inclusive.

4. District boards of health created pursuant to the provisions of NRS 439.370 to 439.410, inclusive.

5. The Nevada Rural Housing Authority.".

Amend section 1, page 2, line 22, by deleting "and" and inserting "~~[and]~~".

Amend section 1, page 2, line 23, after "(o)" by inserting: "*Commercial advertising within a recreational facility operated by a county fair and recreation board; and*

(p)".

Amend the bill as a whole by renumbering sec. 3 as sec. 7 and adding new sections designated sections 4 through 6, following sec. 2, to read as follows:

"Sec. 4. NRS 244A.599 is hereby amended to read as follows:

244A.599 1. Whenever the board of county commissioners of any county or the Board of Supervisors of Carson City desires the powers granted in NRS 244A.597 to ~~[244A.667,]~~ *244A.655,* inclusive, to be exercised, it shall, by resolution, determine that the interest of the county and the public interest, necessity or desirability require the exercise of those powers and the creation of a county fair and recreation board therefor, pursuant to the provisions of NRS 244A.597 to ~~[244A.667,]~~ *244A.655,* inclusive. After approval of the resolution, the county or city clerk shall:

(a) Cause a copy of the resolution to be published promptly once in a newspaper published in and of general circulation in the county or city; and

(b) In the case of a county, cause a certified copy of the resolution to be mailed by registered or certified mail to the mayor or other chief executive officer of each incorporated city within the county.

2. In counties whose population is 100,000 or more, the county fair and recreation board must be selected as provided in NRS 244A.601 or 244A.603.

3. In counties whose population is less than 100,000, and in which there are more than two incorporated cities, each incorporated city, except an incorporated city which is the county seat, must be represented by one member and any incorporated city which is the county seat must be represented by four members. Within 30 days after the day of publication of the resolution or the day on which the last of the copies of the resolution was mailed, whichever day is later, the mayor or other chief executive officer shall, with the approval of the legislative body of the city, appoint a member or members of the city council or board of trustees to serve on the board for the remainder of his or their terms of office. The clerk or secretary of the city shall promptly certify the appointment by registered or certified mail to the county clerk.

4. In counties whose population is less than 100,000, and in which there are only two incorporated cities, each incorporated city must be represented by one member who must be appointed and certified as provided in subsection 3, and the board of county commissioners shall appoint four representatives as follows:

(a) Two members to represent the hotel or motel operators in the county.

(b) One member to represent the other commercial interests in the county.

(c) One member to represent the county at large.

5. In counties whose population is less than 100,000, and in which there are fewer than two incorporated cities, any incorporated city which is the county seat must be represented by one member, who must be appointed and certified as provided in subsection 3, and the board of county commissioners shall appoint three representatives as follows:

(a) One member to represent the motel operators in the county.

(b) One member to represent the hotel operators in the county.

(c) One member to represent the other commercial interests in the county.

6. In all counties whose population is less than 100,000, one member of the board of county commissioners must be appointed by the county commissioners to serve on the board for the remainder of his term of office.

7. In all counties whose population is less than 100,000, and in which there is no incorporated city, the board of county commissioners shall appoint one member to represent the county at large.

8. In Carson City, the Board of Supervisors shall appoint five representatives to the fair and recreation board established as provided in subsection 1 as follows:

(a) Two members to represent the hotel and motel operators in the city.

(b) One member to represent the other commercial interests in the city.

(c) One member who is a member of the Board of Supervisors.

(d) One member to represent the city at large.

9. Members who are not elected officials shall serve for 2-year terms.

10. The terms of all elected officials are coterminous with their terms of office. Any such member may succeed himself.

Sec. 5. NRS 244A.629 is hereby amended to read as follows:

244A.629 1. In addition to the powers conferred upon a county fair and recreation board by other provisions of NRS 244A.597 to ~~[244A.667,]~~ *244A.655,* inclusive, a board, for the county, is empowered to borrow money or accept contributions, grants or other financial assistance from the Federal Government or any agency or instrumentality thereof, corporate or otherwise, for or in aid of any recreational facility within its area of operation, and to comply with such conditions, trust indentures, leases or agreements as may be necessary, convenient or desirable.

2. The purpose and intent of NRS 244A.597 to ~~[244A.667,]~~ *244A.655,* inclusive, is to authorize every county to do any and all things necessary, convenient or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, acquisition, construction, maintenance or operation of any recreational facility of the county.

Sec. 6. NRS 244A.657, 244A.659, 244A.661, 244A.663, 244A.665 and 244A.667 are hereby repealed.”.

Amend the bill as a whole by adding the leadlines of repealed sections, following sec. 3, to read as follows:

“

LEADLINES OF REPEALED SECTIONS

244A.657 Use of recreational facility and rental or lease of space in facility for commercial advertising authorized.

244A.659 Procedure for rental or lease of space in facility.

244A.661 Resolution of intent to lease: Contents.

244A.663 Resolution of intent to lease: Notice.

244A.665 Opening and examination of sealed proposals; acceptance or rejection of proposals.

244A.667 Oral bids; final acceptance or rejection of bid; execution of lease.”.

Amend the title of the bill, sixth line, by deleting “state;” and inserting: “state and commercial advertising within a recreational facility operated by a county fair and recreation board;”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 775.

Amend sec. 2, page 2, by deleting lines 20 through 30 and inserting: "*that involves the use or attempted use of sabotage, coercion or violence which is intended to:*

(a) Cause great bodily harm or death to the general population; or

(b) Cause substantial destruction, contamination or impairment of:

(1) Any building or infrastructure, communications, transportation, utilities or services; or

(2) Any natural resource or the environment.

As used in this subsection, "coercion" does not include an act of civil disobedience.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Senate Bill No. 175 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Chief Clerk's desk.

Senate Bill No. 312.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 783.

Amend sec. 3, page 3, by deleting line 21 and inserting:

"*1. Except as otherwise provided in subsection 2 and NRS 483.290, 483.860 and 486.081, with respect*".

Amend the bill as a whole by renumbering sec. 4 as sec. 7 and adding new sections designated sections 4 through 6, following sec. 3, to read as follows:

"Sec. 4. NRS 483.290 is hereby amended to read as follows:

483.290 1. Every application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full name, date of birth, sex and residence address of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been

refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his age by displaying:

(a) If the applicant was born in the United States, a birth certificate issued by a state or the District of Columbia or other proof of the date of birth of the applicant, including, but not limited to, a driver's license issued by another state or the District of Columbia, or a baptismal certificate and other proof that is determined to be necessary and is acceptable to the Department; or

(b) If the applicant was born outside the United States, a Certificate of Citizenship, Certificate of Naturalization, Arrival-Departure Record, Alien Registration Receipt Card, United States Citizen Identification Card or Letter of Authorization issued by the Immigration and Naturalization Service of the United States Department of Justice or a Report of Birth Abroad of a United States Citizen Child issued by the Department of State, a driver's license issued by another state or the District of Columbia or other proof acceptable to the Department other than a passport issued by a foreign government.

3. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

4. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, but not limited to, records of employment or federal income tax returns.

5. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in section 3 of this act.

Sec. 5. NRS 483.860 is hereby amended to read as follows:

483.860 1. Every applicant for an identification card must furnish proof of his age by presenting a birth certificate issued by a state or the District of Columbia or other proof of the applicant's date of birth, including, but not limited to, a driver's license issued by another state or the District of Columbia, or a baptismal certificate and such other corroboration of the matters stated in his application as are required of applicants for a driver's license.

2. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the applicant's social security number; or

(b) Other proof acceptable to the Department, including, but not limited to, records of employment or federal income tax returns.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in section 3 of this act.

Sec. 6. NRS 486.081 is hereby amended to read as follows:

486.081 1. Every application for a motorcycle driver's license must be made upon a form furnished by the Department and must be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

2. Every application must:

(a) State the full name, date of birth, sex and residence address of the applicant;

(b) Briefly describe the applicant;

(c) State whether the applicant has previously been licensed as a driver, and, if so, when and by what state or country;

(d) State whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal; and

(e) Give such other information as the Department requires to determine the competency and eligibility of the applicant.

3. Every applicant shall furnish proof of his age by displaying:

(a) If he was born in the United States, a certified state-issued birth certificate, baptismal certificate, driver's license issued by another state or the District of Columbia or other proof acceptable to the Department; or

(b) If he was born outside the United States, a:

(1) Certificate of Citizenship, Certificate of Naturalization, Arrival-Departure Record, Alien Registration Receipt Card, United States Citizen Identification Card or Letter of Authorization issued by the Immigration and Naturalization Service of the Department of Justice;

(2) Report of Birth Abroad of a United States Citizen Child issued by the Department of State;

(3) Driver's license issued by another state or the District of Columbia; or

(4) Passport issued by the United States Government.

4. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for a motorcycle driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in section 3 of this act.".

Amend the title of the bill, sixth line, after "benefits;" by inserting: "prohibiting the Department of Motor Vehicles from accepting a consular identification card as proof of the age or identity of an applicant for an

instruction permit, driver's license, identification card or motorcycle driver's license;".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 647.

Amend sec. 10, page 3, between lines 28 and 29, by inserting:

"*4. Membership in a regional development district is voluntary. Each county and city within the development region shall determine annually whether to remain or become a member of the regional development district. If a county or city determines to become a member of the district, it shall pay the dues established pursuant to subsection 3. A county or city that is not a member of the district is not entitled to be represented on the board.*".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 690.

Amend section 1, page 1, by deleting lines 8 through 11 and inserting: "*patient at the facility or home, the facility or home shall allow visitation rights to any person designated by the patient in a letter, form or other document authorizing visitation executed in accordance with subsection 2. The visitation rights required by this subsection must be:*

(a) Provided in accordance with the visitation policies of the facility or home; and

(b) The same visitation rights that are provided to a member of the patient's family who is legally related to the patient.".

Amend section 1, page 2, by deleting lines 4 through 8 and inserting: "*residential care may execute a letter, form or other document authorizing visitation in substantially the following form:*".

Amend section 1, page 2, by deleting lines 22 through 25 and inserting: "

.....

(Signed)".

Amend sec. 3, page 2, line 38, before "*A*" by inserting:

"*1. The following persons, in the following order of priority, may order the burial of human remains of a deceased person:*

(a) A person designated as the person with authority to order the burial of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 5;

(b) The spouse of the decedent;

(c) An adult son or daughter of the decedent;

(d) Either parent of the decedent;

(e) An adult brother or sister of the decedent;

(f) A grandparent of the decedent;

(g) A guardian of the person of the decedent at the time of death; and

(h) A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death.

2. If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of a county or the State, the appropriate public officer may order the burial of the remains and provide for the respectful disposition of the remains.

3. If the deceased person donated his body for scientific research or, before his death, a medical facility was made responsible for his final disposition, a representative of the scientific institution or medical facility may order the burial of his remains.

4. A living person may order the burial of human remains removed from his body or the burial of his body after his death. In the latter case, any person acting pursuant to his instructions is an authorized agent.

5.".

Amend sec. 5, page 3, by deleting lines 31 through 33 and inserting:

"~~[~~(e)~~]~~ *(f)* A grandparent of the decedent; ~~[~~and

~~(f)] (g)~~ A guardian of the person of the decedent at the time of death ~~[.] ;~~ ~~*and*~~

(h) A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death.".

Amend sec. 6, page 5, line 7, by deleting "*and*".

Amend sec. 6, page 5, by deleting line 9 and inserting: "*death; and*

(h) A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death.".

Amend the title of the bill, sixth line, after "death;" by inserting: "revising related provisions governing the priority of persons authorized to make decisions concerning anatomical gifts, burial and cremation of human remains on behalf of a decedent;".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 447.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 736.

Amend the bill as a whole by adding a new section designated sec. 15.5, following sec. 15, to read as follows:

"Sec. 15.5. NRS 279.676 is hereby amended to read as follows:

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the State, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on that assessment roll must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) and NRS 540A.265, that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by the last equalized assessment roll referred to in paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment

plan is terminated pursuant to the provisions of NRS 279.438 and 279.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a municipality whose population is 100,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a municipality whose population is *25,000 or more but* less than 100,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

(c) In a municipality whose population is less than 25,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 20 percent of the total assessed valuation of the municipality.

If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a) *,* ~~[or]~~ (b) *or (c)* and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.”.

Amend the title of the bill, eighth line, after “Treasurer;” by inserting:

"revising the limitation on the total amount of revenue that may be paid to a redevelopment agency in certain smaller municipalities;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to governmental financial administration. (BDR 31-302)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to the Concurrent Committee on Ways and Means.

Senate Bill No. 451.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 638.

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the title of the bill by deleting the third through sixth lines and inserting: "recorder; authorizing a county recorder to charge a fee for recording documents that do not meet those standards in certain circumstances; and providing other matters properly".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions regarding format of certain documents filed in office of county recorder. (BDR 20-293)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 66, 82, 262, 309, 372, 449, 453, and 491 be placed on the Second Reading File.

Motion carried.

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

Assembly in recess at 12:54 p.m.

ASSEMBLY IN SESSION

At 12:55 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Manendo moved that Senate Bill No. 452 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Manendo.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 810.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A supplier shall not enter into a contract or other agreement with a retail cigarette dealer that directly or indirectly:

(a) Requires the retail cigarette dealer to:

(1) Allocate to the supplier for any purpose all or any portion of the retail cigarette dealer's cigarette category space or the contents thereof stated as a specific percentage or fraction;

(2) Engage in any conduct or action as a condition for participating in or receiving payments under a consumer price discount program or consumer promotion program of the supplier, except that the contract or agreement may require the retail cigarette dealer to provide the discount or promotion to a consumer, or to advertise and display the promotion and the promoted or discounted product to consumers; or

(3) Increase his prices for a cigarette product; or

(b) Limits or prohibits the retail cigarette dealer from:

(1) Determining the size or location of his cigarette category space;

(2) Participating in or engaging in conduct relating to any promotion, program or other activity relating to the sale, stocking, display, merchandising, pricing or advertising of any product of another supplier;

(3) Stocking or selling a cigarette product; or

(4) Retaining or reducing his prices concerning a cigarette product.

2. A supplier shall reimburse a retail cigarette dealer for any consumer price discount or consumer promotion provided to a consumer within 90 days after the expiration of the program for the consumer price discount or consumer promotion. Any reimbursement required pursuant to this subsection is contingent upon compliance by the retail cigarette dealer with the terms of the contract for the consumer price discount or consumer promotion, including any terms relating to maintaining adequate documentation and accounting for the results of the discount or promotion.

3. As used in this section:

(a) "Cigarette" means all rolled tobacco or substitutes therefor wrapped in paper or any substitute other than tobacco, irrespective of size or shape

and whether or not the tobacco is flavored, adulterated or mixed with any other ingredient.

(b) "Cigarette category space" means all or any portion of the premises of a retail cigarette dealer or any other space of a retail cigarette dealer that is reserved, identified, used or otherwise made available to display, stock, store, promote, advertise or maintain cigarettes or cigarette products or signs, advertisements, display materials, promotions or any other statements relating to cigarettes or cigarette products.

(c) "Promotion" means a promotion, solicitation or notification that induces or attempts to induce a person to purchase cigarettes or cigarette products.

(d) "Retail cigarette dealer" means any person who offers to sell cigarettes at retail or who is engaged in selling cigarettes at retail. The term does not include a store that:

(1) Has at least 17,000 square feet of indoor retail space; and

(2) Is principally devoted to the sale of food for human consumption off the premises.

(e) "Supplier" means any cigarette manufacturer or importer who, directly or indirectly through an agent, representative, broker or distributor, supplies, sells or delivers to a retail cigarette dealer in this state, or offers to supply, sell or deliver to a retail cigarette dealer in this state, any cigarettes or any advertisement, merchandising or promotion relating to the sale of cigarettes.".

Amend the title of the bill to read as follows:

"AN ACT relating to cigarettes; prohibiting a supplier of cigarettes from entering into a contract or other agreement with a retail cigarette dealer under certain circumstances; requiring a supplier of cigarettes to reimburse a retail cigarette dealer for any consumer price discount or consumer promotion within a certain period after the expiration of the program for the consumer price discount or consumer promotion; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing certain agreements for sale of cigarettes. (BDR 52-186)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 721.

Amend sec. 7, page 3, by deleting line 27 and inserting:

"Sec. 7. *1. If a health authority isolates, quarantines or treats a person*".

Amend sec. 7, page 3, lines 30 and 31, by deleting: "*isolate or quarantine*" and inserting: "*isolate, quarantine or treat*".

Amend sec. 7, page 3, between lines 32 and 33, by inserting:

"*2. A health authority shall provide each person whom it isolates or quarantines pursuant to sections 6 to 26, inclusive, of this act with a document informing the person of his rights. The Board shall adopt regulations:*

(a) Setting forth the rights of a person who is isolated or quarantined that must be included in the document provided pursuant to this subsection; and

(b) Specifying the time and manner in which the document must be provided pursuant to this subsection.".

Amend sec. 7.5, page 3, line 33, before "*A*" by inserting "*1.*".

Amend sec. 7.5, page 3, line 35, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 7.5, page 3, line 38, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 7.5, page 3, between lines 40 and 41, by inserting:

"*2. If a person who is isolated or quarantined pursuant to sections 6 to 26, inclusive, of this act is unconscious or otherwise unable to communicate because of mental or physical incapacity, the health authority that isolated or quarantined the person must notify the spouse or legal guardian of the person by telephone and certified mail. If a person described in this subsection is isolated or quarantined in a medical facility and the health authority did not provide the notice required by this subsection, the medical facility must provide the notice. If the case of a person described in this subsection is before a court and the health authority, and medical facility, if any, did not provide the notice required by this subsection, the court must provide the notice.*".

Amend the bill as a whole by adding a new section designated sec. 7.7, following sec. 7.5, to read as follows:

"Sec. 7.7. *A person who is isolated or quarantined pursuant to sections 6 to 26, inclusive, of this act has the right to refuse treatment and may not be required to submit to involuntary treatment unless a court issues an order requiring the person to submit to treatment.*".

Amend sec. 13, page 8, line 9, by deleting "*Within*" and inserting: "*In addition to any notice required pursuant to section 7.5 of this act, within*".

Amend sec. 21, page 12, by deleting lines 21 through 27 and inserting: "*nurse accompanying the petition.*".

Amend sec. 24, page 13, by deleting line 19 and inserting: "*of the person concerning treatment and vaccination, including, without limitation, the tenets of the person's religion and the tenets of any group or organization of which the person is a member,*".

Amend sec. 24, page 13, by deleting line 34 and inserting: "*for additional periods which each must not exceed the shorter of 120 days or either, if the person is isolated, the period of time which the health authority expects the*

person will be infectious with the communicable disease or, if the person is quarantined, the period of time which the health authority determines is necessary to determine whether the person has been infected with the communicable disease. For each".

Amend sec. 30, page 15, line 44, after "in" by inserting: "*subsection 4 and*".

Amend sec. 30, page 16, between lines 16 and 17, by inserting:

"*4. Except as otherwise provided in NRS 441A.310 and 441A.380, a health authority may not issue an order requiring the involuntary treatment of a person without a court order requiring the person to submit to treatment.*".

Amend the title of the bill, fourth line, after "persons;" by inserting: "prohibiting a health authority from requiring a person to be involuntarily treated without a court order requiring the person to submit to treatment;".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 795.

Amend section 1, page 1, line 6, by deleting "*mail*" and inserting "*means*".

Amend sec. 2, page 2, line 40, by deleting "*mail*" and inserting "*means*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 309.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 794.

Amend sec. 8, page 2, line 41, before "*The*" by inserting "*1.*".

Amend sec. 8, page 2, line 42, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 8, page 3, line 1, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 8, page 3, line 7, by deleting "*3.*" and inserting "*(c)*".

Amend sec. 8, page 3, line 14, by deleting "*4.*" and inserting "*(d)*".

Amend sec. 8, page 3, line 17, by deleting "*5.*" and inserting "*(e)*".

Amend sec. 8, page 3, line 22, by deleting "*6.*" and inserting "*(f)*".

Amend sec. 8, page 3, between lines 24 and 25, by inserting:

"*2. The Advisory Committee may establish a panel to assist the Advisory Committee in carrying out its duties and responsibilities. The panel may consist of:*

(a) Representatives of organizations, associations, groups or other entities committed to improving participatory democracy in this state, including, without limitation, representatives of committees that are led by youths and established to improve the teaching of the principles of participatory democracy in the schools, colleges and universities of this state; and

(b) Any other interested persons with relevant knowledge.".

Amend sec. 12, page 5, by deleting line 15 and inserting: "in Nevada schools, *including, without limitation, cocurricular activities that promote learning and understanding,* particularly in the area of civics and the skills".

Amend sec. 12, page 5, line 25, by deleting "develop" and inserting "make".

Amend sec. 12, page 5, by deleting line 29 and inserting: "Nevada, including, without limitation, by the use of service-learning projects.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 372.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 818.

Amend the bill as a whole by renumbering sec. 2 as sec. 6 and adding new sections designated sections 2 through 5, following section 1, to read as follows:

"Sec. 2. NRS 644.193 is hereby amended to read as follows:

644.193 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his education;

(b) Has practiced as a full-time licensed cosmetologist, aesthetician or manicurist for ~~[3 years]~~ *1 year* and submits written verification of his experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits two current photographs of himself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than $25 nor more than $40 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 3. NRS 644.195 is hereby amended to read as follows:

644.195 1. Each instructor must:

(a) Be licensed as a cosmetologist pursuant to this chapter.

(b) Have successfully completed the 12th grade in school or its equivalent.

(c) Have 1 year of experience as a cosmetologist.

(d) Have completed 1,000 hours of training as an instructor or 500 hours of training as a provisional instructor in a school of cosmetology.

(e) ~~[Take]~~ *Except as otherwise provided in subsection 2, take* one or more courses in advanced techniques for teaching or training, approved by the Board, whose combined duration is at least 30 hours during each 2-year period.

2. *The provisions of paragraph (e) of subsection 1 do not apply to an instructor who is initially licensed not more than 6 months before the renewal date of the license. An instructor who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in paragraph (e) whose combined duration is at least 15 hours during each 2-year period.*

3. Each instructor shall pay an initial fee for a license of not less than $40 and not more than $60.

Sec. 4. NRS 644.1955 is hereby amended to read as follows:

644.1955 1. The Board shall admit to examination for a license as an instructor of aestheticians any person who has applied to the Board in proper form, paid the fee and:

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) Has successfully completed the 12th grade in school or its equivalent;

(d) Has received a minimum of 800 hours of training as an instructor or 400 hours of training as a provisional instructor in a licensed school of cosmetology;

(e) Is licensed as an aesthetician pursuant to this chapter; and

(f) Has practiced as a full-time licensed aesthetician for 1 year.

2. ~~[An]~~ *Except as otherwise provided in subsection 3, an* instructor of aestheticians shall complete at least 30 hours of advanced training in a course approved by the Board during each 2-year period of his license.

3. The provisions of subsection 2 do not apply to an instructor of aestheticians who is initially licensed not more than 6 months before the renewal date of the license. An instructor of aestheticians who is initially

licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.

Sec. 5. NRS 644.197 is hereby amended to read as follows:

644.197 1. The Board shall admit to examination for a license as an instructor in manicuring any person who has applied to the Board in proper form, paid the fee and:

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) Has successfully completed the 12th grade in school or its equivalent;

(d) Has received a minimum of 500 hours of training as an instructor or 250 hours of training as a provisional instructor in a licensed school of cosmetology;

(e) Is licensed as a manicurist pursuant to this chapter; and

(f) Has practiced as a full-time licensed manicurist for 1 year.

2. ~~[An]~~ *Except as otherwise provided in subsection 3, an* instructor in manicuring shall complete at least 30 hours of advanced training in a course approved by the Board during each 2-year period of his license.

3. The provisions of subsection 2 do not apply to an instructor in manicuring who is initially licensed not more than 6 months before the renewal date of the license. An instructor in manicuring who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.".

Amend sec. 2, page 2, line 2, after "services." by inserting: "*This subsection does not prohibit an operator of a cosmetological establishment from leasing space to or employing a barber.*".

Amend sec. 2, page 2, line 8, after "*cosmetology.*" by inserting: "*A provider of health care who leases space at a cosmetological establishment pursuant to this subsection remains subject to the laws and regulations of this state applicable to his business or profession.*".

Amend the bill as a whole by renumbering sections 3 through 5 as sections 9 through 11 and adding new sections designated sections 7 and 8, following sec. 2, to read as follows:

"Sec. 7. NRS 644.375 is hereby amended to read as follows:

644.375 ~~[Any food]~~ *Food* or beverages ~~[that are sold]~~ for immediate consumption *may be sold* in a cosmetological establishment . ~~[must be sold in an area of the cosmetological establishment which is sufficiently separated from the area of the cosmetological establishment where cosmetological services are provided.]~~

Sec. 8. NRS 644.400 is hereby amended to read as follows:

644.400 1. A school of cosmetology must at all times be under the immediate supervision of a licensed instructor who has had practical experience of at least 1 year in the practice of a majority of the branches of cosmetology in an established place of business.

2. A school of cosmetology shall:

(a) Maintain a school term of not less than 1,800 hours extending over a period of not ~~[less than 10 months nor]~~ more than ~~[24]~~ *36* months, and maintain a course of practical training and technical instruction equal to the requirements for examination for a license as a cosmetologist.

(b) Maintain apparatus and equipment sufficient to teach all the subjects of its curriculum.

(c) Keep a daily record of the attendance of each student, a record devoted to the different practices, establish grades and hold examinations before issuing diplomas. These records must be submitted to the Board pursuant to its regulations.

(d) Include in its curriculum a course of deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

(e) Arrange the courses devoted to each branch or practice of cosmetology as the Board may from time to time adopt as the course to be followed by the schools.

(f) Not allow any student to perform services on the public for more than 7 hours in any day . ~~[nor for more than 5 days out of every 7.]~~

(g) Conduct at least 5 hours of instruction in theory in each 40-hour week or 6 hours of instruction in theory in each 48-hour week, which must be attended by all registered students.

(h) Require that all work by students be done on the basis of rotation.

3. A school of cosmetology may offer courses of study other than courses of study that are required to be approved by the Board.".

Amend sec. 5, page 2, line 20, by deleting "4" and inserting "10".

Amend sec. 5, page 2, line 22, by deleting "and 3" and inserting: "to 9, inclusive,".

Amend the title of the bill to read as follows:

"AN ACT relating to cosmetology; prohibiting the State Board of Cosmetology from including certain personal information on a license or certificate which is required to be displayed publicly; reducing the period during which a person must practice as a full-time licensed cosmetologist, aesthetician or manicurist to qualify for the issuance of a provisional license as an instructor; revising the requirements for training for certain instructors; authorizing certain providers of health care to practice in a cosmetological establishment under certain circumstances; authorizing the sale of food or beverages in a cosmetological establishment; authorizing a school of cosmetology to offer certain courses of study; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 449.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 792.

Amend sec. 7, page 9, line 17, by deleting "~~[100,000]~~ *40,000*" and inserting "100,000".

Amend sec. 7, page 10, lines 9 and 10, by deleting "~~[100,000]~~ *40,000*" and inserting "100,000".

Amend sec. 7, page 10, lines 29 and 30, by deleting "~~[100,000]~~ *40,000*" and inserting "100,000".

Amend sec. 7, page 11, lines 15 and 16, by deleting "~~[100,000:]~~ *40,000:*" and inserting "100,000:".

Amend sec. 8, page 11, line 22, by deleting "~~[60,000]~~ *10,000*" and inserting "60,000".

Amend sec. 8, page 12, line 14, by deleting "~~[60,000]~~ *10,000*" and inserting "60,000".

Amend sec. 8, page 12, line 34, by deleting "~~[60,000]~~ *10,000*" and inserting "60,000".

Amend sec. 8, page 13, line 22, by deleting "~~[60,000:]~~ *10,000:*" and inserting "60,000:".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 231, 240, 288, and 351 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

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

Assembly in recess at 1:07 p.m.

ASSEMBLY IN SESSION

At 1:38 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Senate Bill No. 179 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblywoman Koivisto.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 246, 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

SECOND READING AND AMENDMENT

Senate Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 788.

Amend sec. 3, page 2, by deleting line 8 and inserting: "*maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation*".

Amend sec. 3, page 2, line 34, by deleting "*any"*.

Amend sec. 3, page 2, line 35, before "*information*" by inserting "*reasonable*".

Amend sec. 7, page 3, line 40, after "*candidate*" by inserting: "*for federal office*".

Amend sec. 7, page 3, line 44, by deleting "*the statewide*" and inserting "*a*".

Amend sec. 7, page 3, line 45, by deleting "*jurisdiction;*" and inserting: "*jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;*"

Amend sec. 7, page 4, line 1, by deleting "*mail*" and inserting: "*mail, on or after January 1, 2003,*".

Amend sec. 7, page 4, line 2, after "*election*" by inserting: "*for federal office*".

Amend sec. 8, page 5, by deleting lines 22 and 23 and inserting: "*to the person to vote only for candidates for federal offices.*".

Amend sec. 9, page 5, lines 24 and 25, by deleting: "*in an election,*" and inserting: "*for a candidate for federal office,*".

Amend sec. 9, page 5, line 28, after "*election*" by inserting: "*for federal office*".

Amend sec. 10, page 5, line 37, after "*election*" by inserting: "*for federal office*".

Amend sec. 11, page 6, lines 41 and 42, by deleting "*the statewide*" and inserting "*a*".

Amend sec. 14, page 8, line 2, after "*voters*" by inserting: "*for federal office*".

Amend the bill as a whole by adding a new section designated sec. 15.5, following sec. 15, to read as follows:

"Sec. 15.5. *1. The county clerk shall cancel the registration of a voter, if:*

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The voter fails to present satisfactory proof of his identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of his identity and residence to the county clerk, the county clerk shall cancel his registration.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the election board register.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the election board register.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if he furnishes:

(a) Official identification which contains a photograph of himself, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which he actually resides and that address is consistent with the address listed on the election board register.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of his identity and residence before such ballots are counted on election day.".

Amend sec. 19, page 10, line 31, by deleting "If" and inserting:

"~~[~~If~~]~~ *Except as otherwise provided in section 15.5 of this act, if*".

Amend sec. 23, page 13, lines 21 and 25, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 24, page 14, lines 9 and 10, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 28, page 20, line 16, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 29, page 20, line 44, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 29, page 21, line 4, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 30, page 22, by deleting line 4 and inserting:

"293.530 *Except as otherwise provided in section 15.5 of this act:*

1. County clerks may use any reliable and".

Amend the bill as a whole by adding a new section designated sec. 32.5, following sec. 32, to read as follows:

"Sec. 32.5. NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If he has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in his office.

2. If the insanity or mental incompetence of the person registered is legally established.

3. Upon the determination that the person registered has been convicted of a felony.

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change his affiliation, if that change is made before the end of the last day to register to vote in the election.

6. At the request of the person registered.

7. If he has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530, or 293.535 and the elector has failed to respond or appear to vote within the required time.

8. *As required by section 15.5 of this act.*

9. Upon verification that the application to register to vote is a duplicate if he has the original or another duplicate of the application on file in his office.".

Amend sec. 33, page 23, lines 27 and 28, by deleting "3 days" and inserting: "~~[3 days]~~ *day*".

Amend sec. 33, page 24, line 1, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 40, page 27, line 22, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 44, page 28, line 12, by deleting "State" and inserting "State:".

Amend sec. 44, page 28, by deleting lines 13 and 14 and inserting:

"1. To establish and maintain the statewide voter registration list created pursuant to section 3 of this act; or

2. To upgrade or replace voting systems throughout this state.".

Amend sec. 45, page 28, by deleting line 26 and inserting:

"3. Sections 10, 15.5 and 32.5 of this act become effective July 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT relating to elections; requiring the Secretary of State to establish a statewide voter registration list; establishing certain standards for voting systems; establishing the use of provisional ballots for elections for federal offices held in this state; changing the types of acceptable identification for certain persons voting for the first time; requiring the posting of certain information at each polling place; requiring county and city clerks to take certain actions to assist elderly persons and persons with disabilities in voting; changing the type of identification required to register to vote; making various changes concerning voting by persons who are in the Armed Forces of the United States or overseas; requiring the county clerk to cancel the registration of a voter under certain circumstances; extending the period for registering to vote; exempting the Secretary of State from the State Purchasing Act for awarding certain contracts concerning the statewide voter registration list and certain contracts concerning voting systems throughout this state; and providing other matters properly relating thereto.".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 491.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 822.

Amend section 1, page 2, by deleting line 15 and inserting: "*information that:*

(a) The State Public Works Board determines to be sufficient and verifiable; and

(b) Indicates the subcontractor:".

Amend section 1, page 2, line 16, by deleting "*(a)*" and inserting "*(1)*".

Amend section 1, page 2, line 18, by deleting "*(b)*" and inserting "*(2)*".

Amend section 1, page 2, line 19, by deleting "*this section.*" and inserting "*subsection 1.*".

Amend section 1, page 2, by deleting lines 20 through 23 and inserting:

"*3. Upon receipt of sufficient and verifiable information of a type described in subsection 2, the State Public Works Board shall require a subcontractor regarding whom such information is received to submit to the State Public Works Board, on a form prescribed by the State Public Works Board, an application for qualification in accordance with the criteria established by regulation pursuant to subsection 1. After receiving such an application, the State Public Works Board shall determine whether the subcontractor is qualified in accordance with the criteria established by regulation pursuant to subsection 1. Except*".

Amend the bill as a whole by renumbering sections 5 through 9 as sections 7 through 11 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. NRS 338.1387 is hereby amended to read as follows:

338.1387 1. A public body awarding a contract for a public work shall not award the contract to a person who, at the time of the bid, is not properly licensed under the provisions of chapter 624 of NRS or if the contract would exceed the limit of his license. A subcontractor named by the contractor who is not properly licensed for that portion of the work *, or who, at the time of the bid, is on disqualified status with the State Public Works Board pursuant to section 1 of this act,* shall be deemed unacceptable. If the subcontractor is deemed unacceptable, the contractor shall provide an acceptable subcontractor before the award of the contract.

2. If, after awarding the contract, the public body discovers that the person to whom the contract was awarded is not licensed, or that the contract would exceed his license, the public body shall reject the bid and may accept the next lowest bid for that public work from a responsive bidder who was determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or was exempt from meeting such qualifications pursuant to NRS 338.1373 or 338.1383 without requiring that new bids be submitted.

Sec. 6. NRS 338.139 is hereby amended to read as follows:

338.139 1. A public body may award a contract for the construction, alteration or repair of a public work pursuant to NRS 338.1375 to 338.1389, inclusive, to a specialty contractor if:

(a) The majority of the work to be performed on the project to which the contract pertains consists of specialty contracting for which the specialty contractor is licensed; and

(b) The project to which the contract pertains is not part of a larger public work.

2. If a public body awards a contract to a specialty contractor pursuant to NRS 338.1375 to 338.1389, inclusive, all work to be performed on the

project to which the contract pertains that is outside the scope of the license of the specialty contractor must be performed by a subcontractor who ~~[is]~~ *:*

(a) Is licensed to perform such work ~~[.]~~*; and*

(b) At the time of the performance of the work, is not on disqualified status with the State Public Works Board pursuant to section 1 of this act.".

Amend sec. 5, pages 4 and 5, by deleting lines 42 through 44 on page 4 and lines 1 and 2 on page 5, and inserting:

"pursuant to chapter 624 of NRS. ~~[If]~~ *Except as otherwise provided in this paragraph, if* a contractor ~~[fails]~~ *:*

(1) Fails to submit ~~[such a]~~ *the* list within the required time ~~[, his]~~*; or*

(2) Submits a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the State Public Works Board pursuant to section 1 of this act, the contractor's bid shall be deemed not responsive. *A contractor's bid shall not be deemed not responsive on the grounds that the contractor submitted a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the State Public Works Board pursuant to section 1 of this act if the contractor, before the award of the contract, provides an acceptable replacement subcontractor in the manner set forth in subsection 1 of NRS 338.1387.*".

Amend sec. 6, page 6, by deleting lines 6 through 8 and inserting:

"*6. If the project is for the design and construction of a public work of the State, ensure that the prime contractor is qualified to bid on a public work of the State pursuant to NRS 338.1379.*".

Amend sec. 7, page 6, by deleting lines 31 through 34 and inserting:

"*(f) If the proposal is for a public work of the State, a statement setting forth that the prime contractor must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a preliminary proposal.*".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 452.

Bill read second time.

The following amendment was proposed by Assemblyman Manendo:

Amendment No. 705.

Amend section 1, page 2, lines 25 and 26, by deleting "~~[1989]~~*2003*," and inserting "1989,".

Amend section 1, page 2, line 29, by deleting "~~[1988,]~~*2003*," and inserting "1988,".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 179.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 628.

Amend sec. 10, page 5, by deleting lines 16 through 18 and inserting: "~~[admitted to a mental health facility or hospital under]~~ *detained pursuant to* subsection 1 must be released within 72 hours, including weekends and holidays, ~~[from the time of his admission]~~ *after the examination required by paragraph (a) of subsection 1 of NRS 433A.165 has been completed, if such an examination is required, or within 72 hours, including weekends and holidays, after the person arrives at the mental health facility or hospital, if an examination is not required by paragraph (a) of subsection 1 of NRS 433A.165* unless".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 390 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Williams.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 390.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 747.

Amend section 1, page 2, line 3, by deleting "*Standards.*" and inserting: "*Standards, to the extent that persons who hold such certification are available and willing to serve.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of nine members appointed by the Governor, is hereby created.

2. Four members of the Commission must be teachers who teach in the classroom as follows:

(a) One who teaches in a secondary school.

(b) One who teaches in a middle school or junior high school.

(c) One who teaches in an elementary school.

(d) One who teaches special education.

At least one member appointed pursuant to this subsection must hold certification issued by the National Board for Professional Teaching Standards . ~~[, to the extent that persons who hold such certification are available and willing to serve.]~~

3. The remaining members of the Commission must include:

(a) One counselor or psychologist employed by a school district.

(b) Two administrators of schools, at least one of whom must be a principal of a school.

(c) The dean of the College of Education at one of the universities in the University and Community College System of Nevada, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

(d) One member who is a representative of the general public.

4. The appointments of a counselor, the administrators and three of the four teachers must be made from a list of names of at least three persons for each position that is submitted to the Governor:

(a) For the counselor and teachers, by an employee organization representing the majority of counselors and the majority of teachers in the State of Nevada who teach in the educational level from which the appointment is being made; or

(b) For administrators, by an organization of administrators for schools in which the majority of administrators of schools in this state have membership.

5. One member of the Commission who is a teacher, administrator, counselor or psychologist must be employed by a private school licensed pursuant to chapter 394 of NRS.”.

Amend the bill as a whole by deleting sec. 3.

Amend sec. 4, page 3, by deleting line 10 and inserting:

“Sec. 4. 1. This section and sections 1 and 3 of this act become effective on July 1, 2003.

2. Section 2 of this act becomes effective on January 1, 2007.”.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 370 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Senate Bill No. 332.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 817.

Amend sec. 2, page 2, line 11, by deleting: "3 and 4" and inserting: "3 to 7, inclusive,".

Amend the bill as a whole by renumbering sections 5 through 8 as sections 8 through 11 and adding new sections designated sections 5 through 7, following sec. 4, to read as follows:

"Sec. 5. *1. If the Governor determines that there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty within this state, the Governor may declare that a state of critical medical need exists for that medical specialty. The Governor may, but is not required to, limit such a declaration to one or more geographic areas within this state.*

2. In determining whether there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty, the Governor may consider, without limitation:

(a) Any statistical data analyzing the number of physicians who are practicing the medical specialty in relation to the total population of this state or any geographic area within this state;

(b) The demand within this state or any geographic area within this state for the types of services provided by the medical specialty; and

(c) Any other factors relating to the medical specialty that may adversely affect the delivery of health care within this state or any geographic area within this state.

3. If the Governor makes a declaration pursuant to this section, the Board may waive the requirements of paragraph (d) of subsection 2 of NRS 630.160 for an applicant if the applicant:

(a) Intends to practice medicine in one or more of the medical specialties designated by the Governor in his declaration and, if the Governor has limited his declaration to one or more geographic areas within this state, in one or more of those geographic areas;

(b) Has completed at least 1 year of training as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association, respectively;

(c) Has a minimum of 5 years of practical medical experience as a licensed allopathic physician or such other equivalent training as the Board deems appropriate; and

(d) Meets all other conditions and requirements for a license to practice medicine.

4. Any license issued pursuant to this section is a restricted license, and the person who holds the restricted license may practice medicine in this state only in the medical specialties and geographic areas for which the restricted license is issued.

5. Any person who holds a restricted license issued pursuant to this section and who completes 3 years of full-time practice under the restricted license may apply to the Board for an unrestricted license. In considering an application for an unrestricted license pursuant to this subsection, the Board shall require the applicant to meet all statutory requirements for licensure in effect at the time of application except the requirements of paragraph (d) of subsection 2 of NRS 630.160.

Sec. 6. *Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who has been issued a license to practice medicine by the District of Columbia or any state or territory of the United States if:*

1. At the time the applicant files his application with the Board, the license is in effect;

2. The applicant:

(a) Submits to the Board proof of passage of an examination approved by the Board;

(b) Submits to the Board any documentation and other proof of qualifications required by the Board;

(c) Meets all of the statutory requirements for licensure to practice medicine in effect at the time of application except for the requirements set forth in NRS 630.160; and

(d) Completes any additional requirements relating to the fitness of the applicant to practice required by the Board; and

3. Any documentation and other proof of qualifications required by the Board is authenticated in a manner approved by the Board.

Sec. 7. *1. The Board shall maintain a website on the Internet or its successor.*

2. The Board shall place on the website:

(a) Each application form for the issuance or renewal of a license issued by the Board pursuant to this chapter; and

(b) A list of questions that are frequently asked concerning the processes of the Board and the answers to those questions.".

Amend sec. 7, page 3, by deleting line 13 and inserting:

", 630.164 and sections 4, 5 and 6 of this act, a license may be issued to any*".*

Amend sec. 7, page 3, line 25, after "*Is*" by inserting "*currently*".

Amend sec. 7, page 3, line 26, after "*Specialties*" by inserting: "*and who agrees to maintain such certification for the duration of his licensure,*".

Amend sec. 7, page 3, line 40, after "*Is*" by inserting "*currently*".

Amend sec. 7, page 3, line 41, after "*Specialties*" by inserting: "*in the specialty of emergency medicine, preventive medicine or family practice and*

who agrees to maintain certification in at least one of these specialties for the duration of his licensure,".

Amend sec. 7, page 4, by deleting lines 10 and 11 and inserting "*Board; and*".

Amend the bill as a whole by renumbering sec. 9 as sec. 14 and adding new sections designated sections 12 and 13, following sec. 8, to read as follows:

"Sec. 12. NRS 630.165 is hereby amended to read as follows:

630.165 1. ~~[An]~~ *Except as otherwise provided in subsection 2, an* applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. *An applicant for a license by endorsement to practice medicine pursuant to section 6 of this act must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:*

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 *or 2* must include the social security number of the applicant.

~~[3.]~~ *4.* In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

~~[4.]~~ *5.* The applicant bears the burden of proving and documenting his qualifications for licensure.

Sec. 13. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who wishes to donate his expertise for the medical care and treatment of indigent persons in this state may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that he has

never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 ~~[.]~~ *or the requirements for licensure by endorsement set forth in section 6 of this act;*

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care to indigent persons in this state; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this state pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.”.

Amend the bill as a whole by renumbering sections 10 and 11 as sections 16 and 17 and adding a new section designated sec. 15, following sec. 9, to read as follows:

“Sec. 15. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician*, including a license by endorsement* $600

For application for and issuance of a temporary, locum tenens, limited, restricted, special or special purpose license 400
For renewal of a limited, restricted or special license 400
For application for and issuance of a license as a physician assistant 400
For biennial registration of a physician assistant 800
For biennial registration of a physician 800
For application for and issuance of a license as a practitioner of respiratory care 400
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive status 400
For written verification of licensure 50
For a duplicate identification card 25
For a duplicate license 50
For computer printouts or labels 500
For verification of a listing of physicians, per hour 20
For furnishing a list of new physicians 100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for its other services.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.".

Amend the title of the bill, fourth line, after "physicians;" by inserting: "authorizing the Board of Medical Examiners to waive certain requirements for licensure to practice medicine if the Governor declares a state of critical need exists for certain medical specialties; authorizing the Board to issue a license by endorsement to practice medicine to certain qualified applicants who have been issued a license to practice medicine by the District of Columbia or any state or territory of the United States; requiring the Board to maintain a website on the Internet;".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises qualifications of State Health Officer, clarifies restrictions on use of "M.D." title and makes various changes relating to licensure of physicians and Board of Medical Examiners. (BDR 40-1036)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater, Mabey, Hardy, and Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblywoman Leslie.

Conflict of interest declared by Assemblywoman Leslie.

Roll call on Assembly Bill No. 29:

YEAS—39.

NAYS—Angle, Gustavson—2.

NOT VOTING—Leslie.

Assembly Bill No. 29 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 441.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 758.

Amend sec. 8, page 3, line 28, by deleting "*information.*" and inserting: "*information that is related to the protection of homeland security.*".

Amend sec. 21, page 8, between lines 34 and 35, by inserting:

"*3. If a person knowingly and unlawfully discloses a document, record or other item of information subject to an executive order issued pursuant to subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:*

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.".

Amend sec. 26, page 11, line 9, after "*Governor.*" by inserting: "*If the Legislature is not in session at the time the vacancy occurs, the Legislature may call itself into special session to elect a person to serve as Governor.*".

Amend sec. 30, page 15, line 16, by deleting: "*communication, or any component thereof,*" and inserting "*communication*".

Amend sec. 30, page 15, line 17, by deleting "*or component*".

Amend sec. 30, page 15, line 23, by deleting: "*communication, or any component thereof,*" and inserting "*communication*".

Amend sec. 30, page 15, lines 24 and 25, by deleting "*or component*".

Amend sec. 31, page 15, line 38, by deleting: "*communication, or any component thereof,*" and inserting "*communication*".

Amend sec. 31, page 15, line 39, by deleting "*or component*".

Amend sec. 31, page 15, line 45, by deleting: "*communication, or any component thereof,*" and inserting "*communication*".

Amend sec. 31, page 16, by deleting line 2 and inserting: "*system unless the system complies*".

Amend the bill as a whole by adding a new section designated sec. 38.5, following sec. 38, to read as follows:

"Sec. 38.5. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Homeland Security for the use of the Commission in carrying out its duties:

For the Fiscal Year 2003-2004 ..... $118,750

For the Fiscal Year 2004-2005 ..... $111,069

2. Any remaining balance of the appropriation made by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the State General Fund as soon as all payments of money committed have been made.

3. As used in this section, "Nevada Commission on Homeland Security" means the Nevada Commission on Homeland Security created by section 12 of this act.".

Amend sec. 40, page 24, line 26, by deleting "act becomes" and inserting: "section and sections 1 to 33, inclusive, 38, 38.5 and 39 of this act become".

Amend sec. 40, page 24, line 27, after "2." by inserting: "Sections 34 to 37, inclusive, of this act become effective on January 1, 2004.

3.".

Amend the title of the bill, twenty-second line, by deleting: "making an appropriation;" and inserting: "making appropriations; providing penalties;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 515.

Bill read third time.

Roll call on Assembly Bill No. 515:

YEAS—39.

NAYS—Andonov, Angle, Brown—3.

Assembly Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 534.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 753.

Amend sec. 8, page 5, by deleting lines 25 through 31 and inserting:

"*(a) Money received for the project from the Federal Government;*

(b) Money generated by the state department, board, commission or agency for whom the project is being performed;

(c) Money that was approved for the same or a different project during a previous biennium that has been reallocated during the current biennium for the project;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 10.

Bill read third time.

Roll call on Senate Bill No. 10:

YEAS—39.

NAYS—Collins, Geddes—2.

NOT VOTING—Goldwater.

Senate Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 73.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Bill No. 73:

YEAS—41.

NAYS—Hardy.

Senate Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 78:

YEAS—42.

NAYS—None.

Senate Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 90.

Bill read third time.

Remarks by Assemblymen Brown, Anderson, and Horne.

Roll call on Senate Bill No. 90:

YEAS—31.

NAYS—Arberry, Buckley, Chowning, Goldwater, Hardy, Horne, Manendo, McCleary, Pierce, Weber, Williams—11.

Senate Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 125.

Bill read third time.

Roll call on Senate Bill No. 125:

YEAS—42.
NAYS—None.
Senate Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 144.
Bill read third time.
Remarks by Assemblyman Mortenson.
Roll call on Senate Bill No. 144:
YEAS—35.
NAYS—Andonov, Brown, Carpenter, Claborn, Goicoechea, Griffin, Parks—7.
Senate Bill No. 144 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 181.
Bill read third time.
Remarks by Assemblyman Hardy.
Roll call on Senate Bill No. 181:
YEAS—42.
NAYS—None.
Senate Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 323.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Senate Bill No. 323:
YEAS—41.
NAYS—Gustavson.
Senate Bill No. 323 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 353.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Senate Bill No. 353:
YEAS—42.
NAYS—None.
Senate Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 473 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Arberry.
Motion carried.

Assemblyman Manendo moved that Senate Bill No. 280 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Manendo.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 424.
Bill read third time.
Roll call on Senate Bill No. 424:
YEAS—42.
NAYS—None.
Senate Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 428.
Bill read third time.
Remarks by Assemblymen Chowning and Parks.
Potential conflict of interest declared by Assemblymen Chowning and Parks.
Roll call on Senate Bill No. 428:
YEAS—40.
NAYS—Angle, Gustavson—2.
Senate Bill No. 428 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 432.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 432:
YEAS—42.
NAYS—None.
Senate Bill No. 432 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 434.
Bill read third time.
Roll call on Senate Bill No. 434:
YEAS—42.
NAYS—None.
Senate Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 439.
Bill read third time.
Roll call on Senate Bill No. 439:
YEAS—42.
NAYS—None.
Senate Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 440.
Bill read third time.
Roll call on Senate Bill No. 440:
YEAS—42.
NAYS—None.
Senate Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 450.
Bill read third time.
Roll call on Senate Bill No. 450:
YEAS—42.
NAYS—None.
Senate Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 465.
Bill read third time.
Roll call on Senate Bill No. 465:
YEAS—42.
NAYS—None.
Senate Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 466.
Bill read third time.
Roll call on Senate Bill No. 466:
YEAS—42.
NAYS—None.
Senate Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 467.
Bill read third time.

Roll call on Senate Bill No. 467:
YEAS—42.
NAYS—None.
Senate Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 469.
Bill read third time.
Roll call on Senate Bill No. 469:
YEAS—42.
NAYS—None.
Senate Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 470, 471, 475, 476, 478, 481, 482, 485, 486, 489, 490, 493; Senate Joint Resolutions Nos. 3 and 4; Senate Bills Nos. 231, 240, 280, 288, and 351 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 485.
The following Senate amendment was read:
Amendment No. 633.
Amend section 1, page 2, line 27, after "*2.*" by inserting: "*A person described in paragraph (a), (b) or (c) of subsection 1 shall report to the Division, in a manner prescribed by the Commission:*

(a) Any of the following substances that are found on or at real property owned by the person:

(1) Hazardous substances at or above the required reporting levels designated pursuant to sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§ 9602 and 9603; and

(2) Petroleum products of such type and in such amount as are required by the Division to be reported; and

(b) Any response action or cleanup that has been performed with respect to the real property described in paragraph (a).

3.".
Amend section 1, page 2, line 33, by deleting "*3.*" and inserting "*4.*".
Amend section 1, page 3, line 5, by deleting "*4.*" and inserting "*5.*".
Amend section 1, page 3, line 9, by deleting "*5.*" and inserting "*6.*".

Amend the title of the bill, sixth line, after "released;" by inserting: "requiring that such persons report the discovery of certain hazardous substances and petroleum products and report the carrying out of certain related response actions and cleanup;".

Assemblyman Collins moved that the Assembly concur in the Senate amendment to Assembly Bill No. 485.

Remarks by Assemblyman Collins.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 218.

The following Senate amendment was read:

Amendment No. 722.

Amend section 1, pages 1 and 2, by deleting lines 3 through 9 on page 1 and lines 1 through 6 on page 2, and inserting:

"392.4644 *1.* The principal of each public school shall establish a plan to".

Amend section 1, page 2, by deleting lines 10 and 11 and inserting: "teachers and parents of pupils who are enrolled in the".

Amend section 1, pages 2 and 3, by deleting lines 19 through 45 on page 2 and lines 1 through 10 on page 3, and inserting:

"*2. On or before October 1 of each year, the principal of each public school shall submit a copy of the plan established pursuant to subsection 1 or a revised plan, if applicable, to the superintendent of schools of the school district. On or before November 1 of each year, the superintendent*".

Amend section 1, page 3, line 14, by deleting "*section*" and inserting "*subsection*".

Amend section 1, page 3, line 16, by deleting "*reporting*".

Amend section 1, page 3, line 17, by deleting "*8.*" and inserting "*3.*".

Amend section 1, page 3, line 20, by deleting "*7*" and inserting "*2*".

Amend section 1, page 3, line 23, by deleting "*9.*" and inserting "*4.*".

Amend the bill as a whole by deleting sections 2 through 4 and renumbering sec. 5 as sec. 2.

Amend the title of the bill to read as follows:

"AN ACT relating to education; requiring the principal of each public school to submit to the superintendent of schools of the school district the plan established for the progressive discipline of pupils and on-site review of disciplinary decisions; requiring each school district and the Superintendent of Public Instruction to prepare certain compilations and reports concerning the plans submitted by each public school; and providing other matters properly relating thereto.".

Assemblyman Williams moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 218.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 81.

The following Senate amendment was read:

Amendment No. 607.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sec. 4 as section 1.

Amend the title of the bill by deleting the first through fourth lines and inserting:

"AN ACT relating to intellectual property; authorizing award for treble damages, attorney's".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises remedies available in certain actions relating to intellectual property. (BDR 52-366)".

Assemblyman Goldwater moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 81.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered to transmitted to the Senate.

Assembly Bill No. 522.

The following Senate amendment was read:

Amendment No. 662.

Amend section 1, page 1, by deleting lines 6 through 10 and inserting:

"(a) Physical ~~[or mechanical]~~ damage to the car, up to and including its fair market value, ~~[resulting from a collision,]~~ regardless of the cause of the damage.".

Amend sec. 4, page 4, lines 33 and 34, by deleting: "~~[24 hour rental period]~~ *rental day*" and inserting: "*rental day or* 24-hour rental period *, as appropriate,*".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 522.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 114.

The following Senate amendment was read:

Amendment No. 678.

Amend section 1, page 1, line 5, after "*elected;*" by inserting "*and*".

Amend section 1, page 1, line 6, by deleting "*elector; and*" and inserting "*elector.*".

Amend section 1, page 1, by deleting lines 7 through 10.

Assemblyman Manendo moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 114.

Remarks by Assemblyman Manendo.

Motion carried.

Bill ordered to transmitted to the Senate.

Assembly Bill No. 205.

The following Senate amendment was read:

Amendment No. 579.

Amend section 1, page 1, line 15, by deleting: "6.7 and 6.9," and inserting: "6.6 to 6.9, inclusive,".

Amend section 1, page 1, line 17, by deleting "6.7." and inserting "6.6.".

Amend section 1, page 2, line 15, after "*3.*" by inserting: "*All decisions, and any deliberations leading to those decisions, that are made by any body, including, without limitation, the Reno/Sparks Convention and Visitors Authority, the City Council of the City of Sparks and the Sparks Tourism Facility and Revitalization Steering Committee, concerning the expenditure, commitment or other use of money derived from the proceeds of the tax imposed pursuant to this section must be made at a public meeting that complies with the provisions of chapter 241 of NRS, whether or not the body is determined to be a public body to which that chapter is applicable.*

4. The tax imposed pursuant to this section expires by limitation on the date on which the principal of, and the interest on, any general or special obligations described in paragraph (e) of subsection 1 of section 6.7 of this act are fully paid. The proceeds from the tax must not be committed for expenditure after that date. The City Council of the City of Sparks shall, at least 30 days before such obligations are fully paid, adopt an ordinance that sets forth the date on which such obligations will be fully paid. Upon the adoption of such an ordinance, the Reno/Sparks Convention and Visitors Authority shall give written notice of the date on which the tax will expire to each person providing transient lodging who is liable for the payment of the tax.

5.".

Amend section 1, page 2, line 19, by deleting "6.9." and inserting "6.7.".

Amend section 1, page 2, line 21, by deleting "6.7" and inserting "6.6".

Amend section 1, page 2, line 35, by deleting "*Sparks.*" and inserting: "*Sparks after obtaining the advice and recommendations of the Committee.*".

Amend section 1, page 3, by deleting lines 22 through 24 and inserting: "*obtain the advice and recommendations of the Committee concerning the expenditure of those*".

Amend section 1, page 3, by deleting line 30 and inserting: "*purposes, as determined by the City Council of the City of Sparks after obtaining the advice and recommendations of the Committee.*".

Amend section 1, page 4, line 9, after "*(b)*" by inserting: " *"Committee" means the Sparks Tourism Facility and Revitalization Steering Committee created pursuant to section 6.8 of this act.*

(c)".

Amend section 1, page 4, between lines 13 and 14 by inserting:

"Sec. 6.8. *1. The Sparks Tourism Facility and Revitalization Steering Committee, consisting of five members, is hereby created. The membership of the Committee consists of:*

(a) Two persons appointed by the Board of Directors of the Reno/Sparks Convention and Visitors Authority, one of whom must be a member of the Nevada Resort Association who represents properties outside the City of Sparks, and one of whom must represent the interests of Reno, Sparks, Washoe County, the motel industry or general business.

(b) Two members of the City Council of the City of Sparks, including the Mayor of the City of Sparks, appointed by that City Council.

(c) One person appointed by the Nevada Resort Association who is a member of the Association and who represents properties inside the City of Sparks.

2. The Committee shall elect a Chairman from among its members.

3. A vacancy on the Committee must be filled in the same manner as the original appointment.

4. The Committee shall meet at least quarterly or by a call of the Chairman or majority of the members of the Committee.

5. Members of the Committee serve without compensation.

Sec. 6.9. *1. The Sparks Tourism Facility and Revitalization Steering Committee shall develop a master plan that identifies:*

(a) Proposed projects or capital improvements that the Committee determines to be advisable to promote tourism in Washoe County; and

(b) The method or methods pursuant to which the proposed projects and capital improvements identified in paragraph (a) will be financed.

2. Projects and capital improvements identified pursuant to this section must be:

(a) Approved by a two-thirds vote of the members of the Committee; and

(b) Located in that portion of the Sparks Town Center Project which is identified as Victorian Square or any other portion of the Sparks Town Center Project if the project or capital improvement provides a direct benefit to a project or capital improvement located within Victorian Square, as determined by the Committee.

3. As used in this section:

(a) "Capital improvement" has the meaning ascribed to it in paragraph (a) of subsection 4 of section 6.7 of this act.

(b) "Sparks Town Center Project" has the meaning ascribed to it in paragraph (c) of subsection 4 of section 6.7 of this act.".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 2 of chapter 432, Statutes of Nevada 1999, as amended by chapter 334, Statutes of Nevada 2001, at page 1575, is hereby amended to read as follows:

Sec. 2. The proceeds of the taxes imposed pursuant to section 1 of this act and any applicable penalty or interest must be distributed as follows:

1. An amount equal to:

(a) Two-thirds of the proceeds of the tax imposed pursuant to paragraph (a) of subsection 1 of section 1 of this act collected in:

(1) The unincorporated area of Washoe County; and

(2) Each incorporated city in Washoe County, except in a district described in NRS 268.780 to 268.785, inclusive, in which a 1 percent tax is imposed on the gross receipts from the rental of transient lodging for railroad grade separation projects; and

(b) All of the proceeds of the tax imposed pursuant to paragraph (b) of subsection 1 of section 1 of this act collected in a district described in NRS 268.780 to 268.785, inclusive, in which a 1 percent tax is imposed on the gross receipts from the rental of transient lodging for railroad grade separation projects, must be used by the Reno/Sparks Convention and Visitors Authority to reconstruct, expand, improve, equip, operate and maintain the Reno/Sparks Convention Center, including, but not limited to, parking and facilities ancillary to the Reno/Sparks Convention Center and the acquisition of real property and other appurtenances therefor. The Reno/Sparks Convention and Visitors Authority may irrevocably pledge and use any money received from the proceeds of the taxes pursuant to this subsection, together with the proceeds of other tax revenues and facilities revenues received by the Reno/Sparks Convention and Visitors Authority legally available therefor, for the payment of general and special obligations issued for the purpose of reconstructing, expanding, improving and equipping the Reno/Sparks Convention Center, including, but not limited to, parking and facilities ancillary to the Reno/Sparks Convention Center and the acquisition of real property and other appurtenances therefor.

2. From the remaining one-third of the proceeds of the tax imposed pursuant to paragraph (a) of subsection 1 of section 1 of this act collected in the area described in subparagraphs (1) and (2) of paragraph (a) of subsection 1, the sum of $1,500,000 and, beginning June 1, 2000, and each year thereafter, an additional amount equal to $1,500,000 multiplied by the percentage by which the proceeds of the taxes imposed pursuant to paragraphs (a) and (b) of subsection 1 of section 1 of this act increased during the immediately preceding 12-month period, if any, must be used as follows:

(a) Two-thirds for the marketing and promotion of tourism as approved by the Reno/Sparks Convention and Visitors Authority; and

(b) One-third for the support of the National Bowling Stadium, until such time as the Truckee Meadows Tourism Facility and Revitalization Steering Committee identifies particular capital improvement projects pursuant to

section 6 of this act. After the Truckee Meadows Tourism Facility and Revitalization Steering Committee identifies particular capital improvement projects pursuant to section 6 of this act, the money described in this subsection and all of the proceeds of the tax imposed pursuant to paragraph (c) of subsection 1 of section 1 of this act must, notwithstanding the provisions of NRS 279.619, be used to acquire, establish, construct, expand, equip, improve, operate and maintain such projects, and to pay the principal and interest on notes, bonds or other obligations issued by the Reno Redevelopment Agency to fund the acquisition, establishment, construction or expansion of the projects so identified.

3. From the remaining one-third of the proceeds of the tax imposed pursuant to paragraph (a) of subsection 1 of section 1 of this act collected in the area described in subparagraphs (1) and (2) of paragraph (a) of subsection 1, if any, after the amount described in subsection 2 is set aside for use pursuant to that subsection, the amounts set forth in this subsection must be paid to the City Council of the City of Sparks on the dates set forth in this subsection to be used by the City Council and the Sparks Tourism and Marketing Committee for the marketing and promotion of tourism in the City of Sparks and for the operation and maintenance of capital improvements within redevelopment areas in the City of Sparks:

(a) On July 1, 2000, an amount not to exceed $100,000.

(b) On July 1, 2001, an amount not to exceed $100,000.

(c) On July 1, 2002, *and on July 1 of each year thereafter,* an amount not to exceed $200,000.

~~[(d) On July 1, 2003, an amount not to exceed $200,000.~~

~~(e) On July 1, 2004, an amount not to exceed $250,000.~~

~~(f) On July 1, 2005, an amount not to exceed $250,000.~~

~~(g) On July 1, 2006, an amount not to exceed $350,000.~~

~~(h) On July 1, 2007, and each year thereafter, an amount equal to the sum of $350,000 plus an additional amount equal to $350,000 multiplied by the percentage by which the proceeds of the taxes imposed pursuant to paragraphs (a) and (b) of subsection 1 of section 1 of this act increased during the immediately preceding 12-month period, if any.]~~

4. The remainder of the one-third of the proceeds of the tax imposed pursuant to paragraph (a) of subsection 1 of section 1 of this act collected in the area described in subparagraphs (1) and (2) of paragraph (a) of subsection 1, if any, after the amounts described in subsections 2 and 3 are set aside for use pursuant to those subsections, must be distributed in the following manner:

(a) Two-thirds to the Reno/Sparks Convention and Visitors Authority to reconstruct, expand, improve, equip, operate and maintain the Reno/Sparks Convention Center, including, but not limited to, parking and facilities ancillary to the Reno/Sparks Convention Center and the acquisition of real property and other appurtenances therefor and the payment of general and special obligations issued for those purposes.

(b) One-third to be used as set forth in subsection 2.”.

Amend the title of the bill, fourth line, after “tourism;” by inserting: “revising the distribution of the tax on the rental of transient lodging in certain areas of Washoe County that was imposed to pay for certain projects;”.

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 205.

Remarks by Assemblyman Parks.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 437.

The following Senate amendment was read:

Amendment No. 692.

Amend section 1, page 2, by deleting lines 3 through 5 and inserting: “*the brewer, distiller, manufacturer, producer, vintner or bottler of the liquor, or a designated agent of such a person, has not designated an importer to import the liquor into this state;* or”.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 369.4865 is hereby amended to read as follows:

369.4865 1. ~~[A]~~ *Except as otherwise provided in subsection 2, a* retail liquor store that holds a nonrestricted license may transfer an original package of liquor to another retail liquor store that holds a nonrestricted license, and that other retail liquor store may receive the original package of liquor pursuant to the transfer, if:

(a) Each retail liquor store:

(1) Holds its nonrestricted license for the purposes set forth in subsection 2 of NRS 463.0177; and

(2) Is in the marketing area of the wholesale dealer from which the original package of liquor was obtained by the initial retail liquor store;

(b) The initial retail liquor store:

(1) Obtained the original package of liquor in compliance with the provisions of this chapter;

(2) Is an affiliate of the retail liquor store that receives the transfer; and

(3) Does not charge the retail liquor store that receives the transfer for the original package of liquor;

(c) Immediately before the transfer, the original package of liquor is located at the initial retail liquor store; and

(d) Pursuant to the transfer, the original package of liquor is transported from the initial retail liquor store to the other retail liquor store.

2. *A retail liquor store that holds a nonrestricted license may transfer an original package of beer to another retail liquor store that holds a nonrestricted license, and that other retail liquor store may receive the original package of beer pursuant to the transfer, if the wholesale dealer of*

the beer authorizes, in writing, the nonrestricted licensee to make such a transfer.

3. A transfer authorized by this section shall not be deemed a sale.

~~[3.]~~ *4.* A retail liquor store that transfers or receives an original package of liquor as authorized by this section:

(a) Shall not be deemed to be engaged in business as a wholesale dealer based upon the transfer authorized by this section.

(b) Notwithstanding the provisions of subsection 5 of NRS 369.450, may transport the original package of liquor from the initial retail liquor store to the other retail liquor store without a special permit for such transportation.

~~[4.]~~ *5.* As used in this section:

(a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.

(b) ~~["Liquor" does not include beer.~~

~~(c)]~~ "Marketing area" has the meaning ascribed to it in NRS 597.136.

~~[(d)]~~ *(c)* "Nonrestricted license" has the meaning ascribed to it in NRS 463.0177.".

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 228.380, the Attorney General shall enforce the provisions of NRS 597.120 to 597.260, inclusive, and shall cause appropriate legal action to be taken to enforce those provisions.

2. This section does not prohibit:

(a) A wholesaler from bringing an action against a supplier pursuant to NRS 597.170.

(b) A customer, supplier or wholesaler from bringing an action against a retailer pursuant to NRS 597.260.".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to alcoholic beverages; revising the definition of "supplier" for the purposes of the tax on and the sale of liquor; authorizing a retail liquor store that holds a nonrestricted license to transfer an original package of beer to another retail liquor store that holds a nonrestricted license under certain circumstances; requiring the Attorney General to enforce certain provisions governing the sale of alcoholic beverages; and".

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 437.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REMARKS FROM THE FLOOR

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

PROCLAMATION

WHEREAS, Gary Metz has honorably and faithfully served as the Chief of Police for the Nevada State Legislature for the past three years; and

WHEREAS, Gary Metz worked for the Los Angeles Police Department for 22 years as an accident investigator, patrolman, intelligence officer, and narcotics officer before retiring as a forgery detective in October of 1984; and

WHEREAS, Gary Metz and Birgitta, his wife of 31 years, moved to Carson City in March of 1989, and he began his service with the Legislative Police in 1991; and

WHEREAS, Gary Metz became the Chief of Police for the Nevada State Legislature in December 2000 and has emphasized sound security features, a cordial and welcoming presence with the public, accountability, and integrity during his time as Chief; and

WHEREAS, Gary Metz is a member of the National Legislative Services and Security Association under the National Conference of State Legislatures and is also a member of the National Association of Chiefs of Police; and

WHEREAS, Gary Metz plans to retire on July 13, 2003, so that he will be able to spend more time with his six children and six grandchildren and more time traveling, golfing, and fishing in the years to come; now, therefore, be it

PROCLAIMED, that Gary Metz be recognized and honored for his service to the Nevada Legislature and the people of the State of Nevada.

DATED this 20th day of May, 2003.

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

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I rise in favor of the Proclamation honoring Gary Metz. Gary, it is such a pleasure having you and your wife here with us today. I feel most honored. I think those of you who have been around here awhile realize it is nice to smell the roses while we are still here. We have had too many for whom we have had to attend services, which hasn't been pleasant. Gary, I want to thank you for your professionalism. Briggita, thank you for the sacrifices you have made. Gary, I wish you well in your retirement and you will truly be missed. It is my honor to present you with this Proclamation and we wish you well. You will be sorely missed. We appreciate your professionalism and friendship all these years. Thank you very much.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of the Proclamation. Mr. Metz began here the same year I was a freshman. I have always viewed us as starting together with him looking out for me. In the early years when I had a giant office where you could almost fit in yourself and your desk and chair, Gary would come by and make sure I was out of the building by 11:00 p.m. and kick me out the door to make sure I would come back the next day. He has always had a pleasant attitude and a warm greeting. More importantly, knowing he was here and the kind of professionalism that he brought, you knew he cared very deeply about the people here and he was paying attention to the other folks who came in the door. A cardinal rule here is the Legislative Police not to engage in any legislation. However, on two separate occasions, I have called upon him, and his staff, to provide us with their expertise to review pieces of legislation from their professional viewpoint. I appreciate what he has done for us and will feel that I have lost a close personal friend when he leaves the staff. Thank you, Mr. Speaker.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I rise in support of this proclamation. I thank Mr. Metz for all of his years of loyalty, friendship, professionalism, and serving as a guardian for all of us while we are here. His friendship is truly appreciated and he will be missed. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I stand in support of the Proclamation. Before Gary became chief, he used to take me to the airport on many occasions. We got to know each other quite well and it was always a pleasant trip when he took me. I want to congratulate him and say we are going to miss him. He says he is going to come to Elko this summer, so we'll see.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I, too, rise in support of the Proclamation. I want to thank Gary for everything he has done here in running a very professional department that looks out for all of us. I have never had the privilege of getting a ride back and forth to the airport but I know how important that is to those who have to make the trip on a regular basis. Everything has been done professionally and we appreciate what you have done. We wish you the very best and a great retirement. We hope you get to travel the great state of Nevada. Thanks, Gary, for everything.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of the Proclamation. We will miss you and commend you for all the great work you have done. I personally will not forget the Legislative Police and the way they rose to the task in the previous session when I had a broken leg. I was in a wheelchair and without them I might not have been able to attended session. It is a memory that I will always carry with me. Thanks.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I also rise in support of the Proclamation. Most of the time, when things are going well, the Legislative Police run their professional operation behind the scenes, but when there is something wrong, whether it is a legislator in trouble or someone from the public that is seen as a little bit threatening, we get to see our Legislative Police in action. We thank you so much for all your years of service, your professionalism, and your leadership of a great crew, to whom we don't say thank you enough. Thank you.

Mr. Speaker requested the privilege of the Chair for the purpose making the following remarks:

With the permission of the Body, I would like to add my support to the Proclamation as well. Chief Metz, you have done an extraordinary job. It is a real difficult job with 63 bosses, shall we say 63 prima donnas in many ways, and the group that you have assembled and put together does its job very well. You do it invisibly and not as an imposing force, but it is clear that the building is secure. The crew that you have assembled is amazing, which a look at the biographies, the amount of experience, and where they come from reflects. As a law enforcement agency they have done a great job, in an almost impossible circumstance. Thank you.

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

PROCLAMATION

WHEREAS, Steven J. Watson has been employed by the State of Nevada since 1971 and has served diligently as Chief Deputy Director of the Administrative Division of the Legislative Counsel Bureau for 15 years; and

WHEREAS, Steve Watson is a third generation Nevada native who graduated from Douglas High School and the University of Nevada, Reno; and

WHEREAS, in 1972, Steve Watson married Dr. Anita Ernst Watson, a fellow Douglas High School classmate, and together they have three sons: U.S. Army Captain Andrew, Reno Police Officer Joshua, and Nevada Assembly Deputy Sergeant at Arms Lucas; and

WHEREAS, Steve Watson worked as an accountant for the Welfare Division for 3 years and as an administrator in the Employment Security Department for 14 years; and

WHEREAS, Steve Watson joined the Legislative Counsel Bureau in 1988 and has demonstrated ultimate professionalism and integrity while providing general supervision of the

Bureau's units for Accounting, Buildings, General Services, Grounds, Information Systems, Janitorial Services, Legislative Police, and Media Services; and

WHEREAS, Steve Watson generously shared his expertise and leadership abilities with legislative staff in other states, such as serving as President of the National Legislative Services and Security Association; and

WHEREAS, for his years of public service Steve Watson has received numerous awards, including the Legislative Staff Achievement Award in 2000 from the National Conference of State Legislatures and the Pine Nut District Hall of Fame Award of the Boy Scouts of America in 2001; and

WHEREAS, on July 4, 2003, Steve Watson plans to retire so that he will have more time to participate in outdoor activities such as camping and hiking, motorcycling, and his favorite pastime of traveling; now, therefore, be it

PROCLAIMED, that Steven J. Watson be recognized and honored for his service to the Nevada State Legislature and the people of the State of Nevada.

DATED this 21st day of May, 2003.

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

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I have the pleasure of having Steve Watson and his son, Lucas Watson, sitting with me. I think we should first thank Steve for sharing his son, Lucas, with us as Assistant Sergeant of Arms. Lucas, I didn't realize you didn't catch the baseball in the picture that is on the wall, but we appreciate the effort for the Assembly versus Senate softball game. Steve has also shared his cooking talents with us and he passed that ability on to his son.

It is the invaluable public employees that make us all look as good as we do. Steve is one of those individuals that has dedicated his life to making us, the public, and our constituents feel good. I had someone put together a few quips about Steve. For many years, Steve's wife, Anita, was a stay-at-home mom, raising their three sons, Andrew, Joshua, and Lucas. Steve, later, was supportive of her desire to go to UNR and get a PhD. in history. She then made a decision to move because she couldn't find a job in Nevada, and he supported her move to Minnesota. It is tough to have a long-distance relationship, but she got the degree, which he is probably still paying for, and then abandons him. However, Steve has been very supportive. We are now going to lose Steve, but that will bring their family back whole again, ending their separation. Research Division hired Steve's niece, Bonnie Borda Hoffecker, and she was asked what her career goals were. She replied, "You know, I think I would like to have my Uncle Steve's job someday, as soon as I figure out what the heck he really does around here."

Steve was active in NCSL for many years and a perfect representative as a goodwill ambassador for us and for Nevada. He never passed up an opportunity to participate in meetings of this type, or any of the free meals that went along with that.

Finally, Steve is like the ultimate straight man, but I found out that when he grew up in Minden, way back, that one time he had been rolling around in the mud and actually got dirty with a few family members. I believe that is the only thing I have been able to find in my entire research when Steve actually did anything that was dirty.

I want to recognize Steve and all the years he has dedicated to us and thank him for his dedication. Thank you, Mr. Speaker.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I, too, rise in support of the Proclamation. It is an honor for me to do so. Steve is a good friend and has served in this building, interestingly, quietly. He makes it so you don't know he is about but he does a lot of great things with a lot of people. It has been a pleasure to know him and work with him. I am proud of the way he has represented Minden and Douglas County. I particularly want to thank him, and those who work with him, including Lorne Malkiewich, for the staffing of the CSG West meeting at Lake Tahoe. The people there were so impressed with our staff. Every person came away saying, "Wow, you have the most awesome staff." I think that is a real tribute for the Legislative Police and the staff that Steve

oversees and works with. It is a pleasure for me to say thank you for a job well done. I hope you enjoy your retirement. We are going to miss you here.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I stand in support of the Proclamation. I want to say thank you, Steve, for your dedication to this Legislative Body. It has been a pleasure having you as a friend and we wish you well in your retirement, but please move back to Nevada because I don't want the mosquitoes packing you off. Good luck.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I stand in firm support of the Proclamation. Steve is absolutely the embodiment of an ambassador. We should call him "His Ambassadorship" because he quietly spreads good news about Nevada, whether here or in other states. Having served on the host committee for the NCSL conference in Nevada, I really learned how hard he works when the conferences are brought here, and how hard he has worked when the conferences are in other states. He truly has sent the message that Nevada is a wonderful place to live. We appreciate it and thank you.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I rise in support of this Proclamation, as well. Steve and I went to college together and he was a fraternity brother of my husband. When I arrived here as a freshman it was wonderful to see his familiar face. It has continued to be wonderful for me every session to see Steve here and reminisce about the old college days. Steve has been wonderful to my constituents. I have a lot of constituents that come here because my district is so close, and he is the goodwill ambassador. He is the one who takes them on a tour and they always say, "Gosh, what a nice guy he is." I am able to say yes, and he is a good friend, too. I want to say thanks, Steve, for being here for me.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. I rise in support of this Proclamation. Steve has been a good friend to me and I do call him Mr. Watson because he reminds me of the person who works with Sherlock Holmes. Steve represents us very well. Sometimes I call him the International Steven. When we have international guests coming from foreign countries, he makes them feel welcome and he makes them realize Nevada and all of us are here to do what we can to interact with another country. Steve, I can say that we are really going to miss you. I don't know who will be my traveling "padre." I would like to say also, Mr. Speaker, that when we have NCSL, that if Nevada is the host state, he herds us around and his staff herds us around to make sure we are all in our committees and making sure we are all there and have the right information. At the same time, when we aren't the host state, he's there and his staff is there, making sure we have everything we need. Steve, your shoes are going to be big, big shoes to fill, hard shoes to fill. We will scrutinize everyone. We really are going to miss you. Enjoy it. Come back and pick me up on your motorcycle sometime because I've never been on a Harley. Good luck, Steven . . . Mr. Watson.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I, also, rise in support of the Proclamation. Mr. Watson, indeed, has looked after the physical needs of the building on an ongoing basis. As we saw the expansion of the building in 1997, he worried about each and every detail, like the platforms in the rooms. I know that the Judiciary Committee, in particular, has been very well taken care of. We have a timer in the room so we can time the witnesses. We have other kinds of accoutrements in there, as the lights go on in front of the witnesses. It's all in part because of Mr. Watson making sure those things are going to be there and knowing the time constraints of that committee. His continual diligent search for a good chair for me has been a standing joke between the two of us for three sessions. All of you have these big, high, puffy chairs in your offices and I keep falling out of mine. I know it's hard to imagine that. Mr. Watson keeps trying to find one that will accommodate an ample body in a smaller chair, with some level of comfort. His diligence in that search has always amazed me.

I think the most telling is what took place this year. When a lady was sitting in Judiciary and was terribly upset because she couldn't read the names of the people who were sitting in front of the committee in the committee room. On a break, she happened to come and approach me about it. I said, "Well, there's only one person that I know that really takes care of things." So, I called for Mr. Watson to come up. Sure enough, he came up and allayed her fears that in the future that problem will be taken care of. Even though he's leaving us, I think he's still taking care of our problems and will in the future. We salute you for that continual diligence for us and for our constituents and the kind of things that make all of the people of the state of Nevada proud in this Institution and this building that represents the people, your building, Mr. Watson.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, rise in support of the Proclamation. I just wanted to thank Steve for everything he's done to help me. He's a great guy and we're going to miss him. I sure do hope he gets back from Minnesota, because I've been to Minnesota a couple of times and I can't see anyone going from Nevada to Minnesota. Hopefully, you'll return back here where you belong. Thank you.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker, I, too, rise in support of the Proclamation. I would like to publicly thank Mr. Watson. I had a chance to meet his wife as well and spend some time with them both. It's amazing how totally real, understanding, and caring that they are. His interaction with students in the hallways when he's doing tours should be particularly noted. As Lucas says, "Don't go near that room. My dad's in there with kids. He'll grab you and make you talk." He would get you sometimes and say, "Hey, give a speech." I think one of the illustrations that clearly shows how much of an impact he has on young people in our state is, several weeks ago, when the students were here from the Wendell P. Williams Elementary School, he was one of the people who drove and picked them up from the airport. When they asked who he was, he said, "I'm Mr. Williams' cousin." When the students came to my office, they asked, "Is he really your cousin?" I said, "Yes, he's really my cousin." So, in the last several days, I've got many thank you cards from the kids about their trip here to the Capital. Almost every one of those cards said, "Please say hello to your cousin, Steve Watson." So, they wish you well also.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, want to thank Steve, publicly, for all the great work that he has done, very quietly, for the Legislature as a whole. But I guess, even more than that, I wish to thank him for leaving us Lucas, who we can watch grow and develop and gain all the gifts and qualities that his father has. Perhaps he'll take as good care of the Legislature in the future.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I think you can see from the outpouring of remarks today, how much we will miss you. Your service to us, as has been noted, has been appreciated. You are one of a kind. Have a great retirement.

Mr. Speaker requested the privilege of the Chair to make the following remarks:

There is not much I can add for Cousin Steve. It's always been comforting to know that when we have a group coming or we have some issue to deal with in the building that it takes only a request and you never have to worry about it again. You never had to follow up on it. It was always taken care of so well. I want to add my congratulations to you for your retirement and wish you well.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 25, 35, 92, 95, 100, 117, 150, 159, 198, 237, 323, 336, 381, 405, 421, 424, 443, 445, 448, 510, 539; Senate Bills Nos. 27, 36, 62, 72, 103, 122, 123, 124, 134, 139, 148.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Muth.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Hale, Gary Laizure, and Kadin Laizure.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Watson and Lucas Watson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Basso, Robert Bischoff, Jody Allison, Matthew Bischoff, Franky Clinton, Crystal Doane, Jade Francis, Joseph Nelson, Edward Netcher, and Emily vanOudheusden.

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Wayne Heuring.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Metz and Birgitta Metz.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, May 22, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 2:53 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 22, 2003

Assembly called to order at 11:59 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Lord, it's Thursday, our 16th Thursday here. Mother Goose taught us that Thursday's child has far to go and that Solomon Grundy took ill on Thursday. O, Lord, we pray, not those. The Wrights made their first flight on a Thursday. We, too, want to soar today. William Blake wrote a poem called "Holy Thursday." That's what we pray—a real touch of You this day to help us toward the end of our task. Please.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 102, 196, 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TOM COLLINS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 548, 549; Senate Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 294, 304, 315.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 73, Amendment No. 657; Assembly Bill No. 107, Amendment No. 725; Assembly Bill No. 166, Amendment No. 743; Assembly Bill No. 215, Amendment No. 632; Assembly Bill No. 324, Amendment No. 723; Assembly Bill No. 353, Amendment No. 751; Assembly Bill No. 402, Amendment No. 565; Assembly Bill No. 451, Amendment No. 669; Assembly Bill No. 528, Amendment No. 827, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 155, Senate Amendment No. 695, and requests a conference, and appointed Senators Nolan, McGinness, and Wiener as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 599 to Senate Bill No. 40; Assembly Amendment No. 600 to Senate Bill No. 43; Assembly Amendment No. 601 to Senate Bill No. 48; Assembly Amendment No. 598 to Senate Bill No. 70; Assembly Amendment No. 523 to Senate Bill No. 89; Assembly Amendment No. 674 to Senate Bill No. 105; Assembly Amendment No. 675 to Senate Bill No. 186; Assembly Amendment No. 618 to Senate Bill No. 197; Assembly Amendment No. 652 to Senate Concurrent Resolution No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 654 to Senate Bill No. 206; Assembly Amendment No. 619 to Senate Bill No. 207.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 10.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted, as amended.

Senate Concurrent Resolution No. 36.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 550—AN ACT relating to vital statistics; increasing the amount of money that certain persons or governmental organizations must remit to the State Registrar for issuing a certified or official copy of a certificate of birth; requiring those persons or governmental organizations to remit a certain amount to the State Registrar for issuing a certified or official certificate of death; increasing the fees the State Registrar must charge and collect for a certified copy of a record of birth or death; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Assemblywoman Buckley moved that Senate Bills Nos. 46, 55, 76, 100, 102, 147, 196, 331, 336, 345, 354, 356, 426, and 444 be placed on the Second Reading File.

Motion carried.

NOTICE OF EXEMPTION

May 22, 2003

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 550.

MARK STEVENS
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 127.
Bill read second time and ordered to third reading.

Senate Bill No. 246.
Bill read second time and ordered to third reading.

Senate Bill No. 247.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 319 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Carpenter, and Conklin as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 155.

SECOND READING AND AMENDMENT

Senate Bill No. 413.
Bill read second time and ordered to third reading.

Senate Bill No. 494.
Bill read second time and ordered to third reading.

Senate Bill No. 46.
Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 851.

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. Section 1 of chapter 361, Statutes of Nevada 1995, as amended by chapter 602, Statutes of Nevada 1997, at page 3014, is hereby amended to read as follows:

Section 1. 1. At the general election to be held in the State of Nevada in 1996, there must be submitted to the voters of the state, in the manner prescribed by chapter 349 of NRS, a proposal to issue general obligation bonds of the state to provide grants to local governments and the department of transportation to carry out projects for the control of erosion and the restoration of natural watercourses *and other projects* in the Lake Tahoe Basin in an amount of not more than $20,000,000.

2. If the proposal is carried, the state board of finance shall issue general obligation bonds of the State of Nevada in a total face amount of not more than $20,000,000. The bonds may be issued at one time or from time to time. The expenses related to the issuance of bonds pursuant to this section must be paid from the proceeds of the bonds, and must not exceed 2 percent of the face amount of the bonds sold.

3. The provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the issuance of bonds pursuant to this section.

Sec. 5. Section 3 of chapter 361, Statutes of Nevada 1995, at page 908, is hereby amended to read as follows:

Sec. 3. After deducting the expenses relating to the issuance of the bonds, the state land registrar may use the proceeds from any bonds issued pursuant to the provisions of section 1 of this act to defray the costs of administering the program for awarding grants ~~[.]~~ *and other programs to protect the Lake Tahoe Basin.*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 777.

Amend the bill as a whole by deleting sections 1 and 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 163.050 is hereby amended to read as follows:

163.050 ~~[No]~~

1. Except as otherwise provided in subsection 2, no trustee may directly or indirectly buy or sell any property for the trust from or to itself or an affiliate, or from or to a director, officer or employee of the trustee or of an affiliate, or from or to a relative, employer, partner or other business associate of a trustee, except with the prior approval of the court having jurisdiction of the trust estate.

2. If authorized by the trust instrument or consented to by all beneficiaries of the trust, a corporate trustee may directly or indirectly buy or sell any property, other than real property, for the trust from or to itself or an affiliate, or from or to a director, officer or employee of the trustee or of an affiliate, or from or to a relative, employer, partner or other business associate of the trustee.".

Amend the title of the bill to read as follows:

"AN ACT relating to trusts; providing a nonjudicial alternative for a corporate trustee to buy or sell property, other than real property, from or to itself, an affiliate or certain other persons related to the corporate trustee or

an affiliate under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides nonjudicial alternative for corporate trustee to buy or sell property, other than real property, from or to itself, affiliate or certain other persons related to trustee or affiliate under certain circumstances. (BDR 13-874)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 826.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 4, by deleting lines 6 and 7 and inserting:

"*(b) Other land which is located in this state, is benefited by the livestock being watered and is capable of being used in conjunction with the livestock operation of the person who owns the land if that land is owned by the person*".

Amend the bill as a whole by deleting sections 3 through 5 and renumbering sections 6 through 8 as sections 2 through 4.

Amend sec. 6, page 7, line 13, by deleting "*federal*".

Amend sec. 6, page 7, line 38, by deleting "*federal*".

Amend sec. 7, page 8, by deleting line 8 and inserting:

"Sec. 3. The amendatory provisions of this act do not".

Amend sec. 8, page 8, by deleting lines 14 through 19 and inserting:

"Sec. 4. This act becomes effective upon passage and approval.".

Amend the bill as a whole by deleting sec. 9.

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 100.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 744.

Amend sec. 35, page 13, line 1, after "*section,*" by inserting: "*unless the respondent has knowingly and willfully committed a violation,*".

Amend sec. 46, page 17, between lines 31 and 32, by inserting:

"*4. Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret written ballot.*

5. When an election of a delegate or representative is conducted by secret written ballot:

(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret written ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association in the manner prescribed on the ballot may be counted to determine the outcome of the election.

(d) The secret written ballots must be opened and counted at a meeting called for the purpose of electing delegates or representatives. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association in the manner prescribed on the ballot before those secret written ballots have been opened and counted at a meeting called for that purpose.".

Amend the bill as whole by adding a new section designated sec. 47.5, following sec. 47, to read as follows:

"Sec. 47.5. *In conducting any meetings, a rural agricultural residential common-interest community must comply with the provisions set forth in chapter 241 of NRS concerning open meetings which are generally applicable to public bodies.*".

Amend sec. 48, page 18, by deleting lines 15 and 16 and inserting: "*by chapter 78 of NRS, NRS 81.010 to 81.160, inclusive, or chapter 82 of NRS and there is a conflict between the provisions of this chapter and the provisions of chapter 78 of NRS, NRS 81.010 to 81.160, inclusive, or chapter 82 of NRS,*".

Amend sec. 54, page 21, line 10, by deleting "A" and inserting: "~~[A]~~ *Except as otherwise provided in section 47.5 of this act, a*".

Amend sec. 58, page 24, between lines 14 and 15, by inserting:

"*(c) With regard to approving or disapproving any improvement or alteration made to a unit, act in violation of any state or federal law.*".

Amend sec. 61, pages 27 and 28, by deleting lines 40 through 45 on page 27 and lines 1 through 11 on page 28, and inserting: "*to exceed the legal rate per annum.*

(b) May include any costs of collecting the past due fine at a rate established by the association. If the past due fine is for a violation that does

not threaten the health, safety or welfare of the residents of the common-interest community, the rate established by the association for the costs of collecting the past due fine:

(1) May not exceed $20, if the outstanding balance is less than $200.

(2) May not exceed $50, if the outstanding balance is $200 or more, but is less than $500.

(3) May not exceed $100, if the outstanding balance is $500 or more, but is less than $1,000.

(4) May not exceed $250, if the outstanding balance is $1,000 or more, but is less than $5,000.

(5) May not exceed $500, if the outstanding balance is $5,000 or more.

(c) May include any costs incurred by the association during a".

Amend sec. 61, page 28, by deleting lines 16 through 18 and inserting: "*or delivery, and any other fee or cost that an association may reasonably charge to the unit's owner for*".

Amend sec. 62, page 30, by deleting line 10 and inserting: "*the election of any member of the executive board is conducted by secret written ballot:*

(a) The secretary or".

Amend sec. 62, page 30, by deleting lines 16 through 19 and inserting: "~~6.~~ *(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.*

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the".

Amend sec. 62, page 30, line 22, by deleting "*(b)*" and inserting "*(e)*".

Amend sec. 62, page 30, line 26, by deleting "*(c)*" and inserting "*(f)*".

Amend sec. 63, page 31, by deleting line 10 and inserting: "*secret written ballot:*

(a) The secretary or other officer specified in the".

Amend sec. 63, page 31, by deleting lines 16 through 18 and inserting: "*(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.*

(c) Only the secret written ballots that are returned to the".

Amend sec. 63, page 31, line 20, by deleting "*(b)*" and inserting "*(d)*".

Amend sec. 63, page 31, line 24, by deleting "*(c)*" and inserting "*(e)*".

Amend sec. 66, page 36, by deleting lines 21 and 22 and inserting: "*at the meeting;*

(d) A record of each member's vote on any matter decided by".

Amend sec. 66, page 36, line 24, by deleting "*(d)*" and inserting "*(e)*".

Amend sec. 67, page 37, by deleting lines 12 through 17 and inserting: "2. *An executive board may not meet in executive session to enter into, renew, modify, terminate or take any other action regarding a contract, unless it is a contract between the association and an attorney.*".

Amend sec. 67, page 37, by deleting lines 22 through 25 and inserting: "NRS 49.035 to 49.115, inclusive ~~[,]~~ *, or to enter into, renew, modify, terminate or take any other action regarding a contract between the association and the attorney.*".

Amend sec. 79, page 50, line 2, after "*all*" by inserting: "*contracts to which the association is a party and all*".

Amend sec. 79, page 50, by deleting lines 5 through 7 and inserting:

"(a) The personnel records of the employees of the association ~~[; and]~~ *, except for those records relating to the number of hours worked and the salaries and benefits of those employees;*".

Amend sec. 79, page 50, line 9, by deleting "*2.*" and inserting: "*2; and*

(c) A contract between the association and an attorney.".

Amend sec. 79, page 50, after line 42, by inserting:

"*5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 811.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting: "thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. A majority of the Commissioners has full power to act in*".

Amend section 1, page 1, line 14, after "*Acting Commissioner.*" by inserting: "*If there are fewer than two Commissioners who are able to act on the matter because of disqualifications, illnesses, incapacities, vacancies that have not yet been filled, or any other reason, and the Governor has not appointed the requisite number of persons to serve as Acting Commissioners pursuant to this subsection, the Deputy Commissioner appointed pursuant to subsection 1 of NRS 703.130 may serve as an Acting Commissioner.*".

Amend section 1, page 2, line 3, after "*appointed*" by inserting: "*or authorized*".

Amend section 1, page 2, line 7, by deleting "*was appointed.*" and inserting: "*is appointed or authorized to serve as an Acting Commissioner.*".

Amend the bill as a whole by renumbering sections 2 through 5 as sections 4 through 7 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. *1. The appointment by the Governor of a person to serve as a Commissioner pursuant to NRS 703.030 or as an Acting Commissioner pursuant to section 2 of this act must first be confirmed:*

(a) If the Legislature is in session, by a majority vote of the Assembly and a majority vote of the Senate; or

(b) If the Legislature is not in session, by a majority vote of the Legislative Commission.

2. Before voting upon a person proposed for appointment by the Governor to serve as a Commissioner or as an Acting Commissioner, the Legislative Commission shall consider:

(a) The qualifications of the person;

(b) The testimony of the public; and

(c) Any information provided by the person or by the Governor.

3. A person proposed for appointment by the Governor to serve as a Commissioner or as an Acting Commissioner may not serve until confirmed pursuant to this section.

4. If a person is not confirmed after a vote as required pursuant to this section, the Governor may not again propose that person for appointment to serve as a Commissioner or as an Acting Commissioner before the beginning of the next regular session of the Legislature.".

Amend sec. 2, page 2, line 38, by deleting "*1*" and inserting "*2*".

Amend the bill as a whole by renumbering sec. 6 as sec. 9 and adding a new section designated sec. 8, following sec. 5, to read as follows:

"Sec. 8. The provisions of section 3 of this act apply to any person proposed by the Governor, on or after July 1, 2003, to serve as a Commissioner pursuant to NRS 703.030 or as an Acting Commissioner pursuant to section 2 of this act.".

Amend the title of the bill, fourth line, after "circumstances;" by inserting: "authorizing a Deputy Commissioner of the Commission to serve on the Commission as an Acting Commissioner under certain circumstances; requiring the confirmation of each appointment by the Governor of a person to serve as a Commissioner or as an Acting Commissioner;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 790.

Amend the bill as a whole by renumbering section 1 as sec. 1.3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.".

Amend section 1, page 2, by deleting lines 1 through 5 and inserting:

"Sec. 1.3. *1. A list of each public officer who is required to file a statement of financial disclosure pursuant to NRS 281.561 or section 1.7 of this act must be submitted electronically to the Commission and to the Secretary of State, in a form*".

Amend section 1, page 2, by deleting line 18 and inserting: "*Commission, and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Commission, a list of*".

Amend the bill as a whole by adding a new section designated sec. 1.7, following section 1, to read as follows:

"Sec. 1.7. *1. Except as otherwise provided in subsection 2 or 3, each public officer who was appointed to the office for which he is serving and who is entitled to receive annual compensation of $6,000 or more for serving in that office shall file with the Commission, and with the officer with whom declarations of candidacy for the office are filed, a statement of financial disclosure, as follows:*

(a) A public officer appointed to fill the unexpired term of an elected public officer shall file a statement of financial disclosure within 30 days after his appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before March 31 of each year of the term, including the year the term expires.

(c) A public officer who leaves office on a date other than the expiration of his term or anniversary of his appointment shall file a statement of financial disclosure within 60 days after leaving office.

2. A statement filed pursuant to one of the paragraphs of subsection 1 may be used to satisfy the requirements of another paragraph of subsection 1 if the initial statement was filed not more than 3 months before the other statement is required to be filed.

3. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office in which he is also serving.

4. A person may satisfy the requirements of subsection 1 by filing with the Commission a copy of a statement of financial disclosure that was filed pursuant to the requirements of a specialized or local ethics committee if the form of the statement has been approved by the Commission.

5. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial

disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.".

Amend sec. 2, page 2, line 25, by deleting "*section 1*" and inserting: "*sections 1.3 and 1.7*".

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. NRS 281.461 is hereby amended to read as follows:

281.461 1. The Commission shall:

(a) At its first meeting and annually thereafter elect a Chairman and Vice Chairman from among its members.

(b) Meet regularly at least once in each calendar quarter, unless there are no requests made for an opinion pursuant to NRS 281.511, ~~[294A.345 or 294A.346,]~~ and at other times upon the call of the Chairman.

2. Members of the Commission are entitled to receive a salary of not more than $80 per day, as fixed by the Commission, while engaged in the business of the Commission.

3. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Commission may, within the limits of legislative appropriation, maintain such facilities as are required to carry out its functions.".

Amend sec. 3, page 2, lines 33 and 34, by deleting: "281.511, 294A.345 or 294A.346." and inserting: "281.511 . ~~[, 294A.345 or 294A.346.]~~".

Amend the bill as a whole by adding new sections designated sections 3.3 and 3.7, following sec. 3, to read as follows:

"Sec. 3.3. NRS 281.465 is hereby amended to read as follows:

281.465 1. The Commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of ~~[:~~

~~(a) This]~~ *this* chapter by a public officer or employee or former public officer or employee in any proceeding commenced by:

~~[(1)]~~ *(a)* The filing of a request for an opinion with the Commission; or

~~[(2)]~~ *(b)* The Commission on its own motion.

~~[(b) NRS 294A.345 or 294A.346 in any proceeding commenced by the filing of a request for an opinion pursuant thereto.]~~

2. The provisions of ~~[paragraph (a) of]~~ subsection 1 apply to a public officer or employee who:

(a) Currently holds public office or is publicly employed at the commencement of proceedings against him.

(b) Resigns or otherwise leaves his public office or employment:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the alleged violation or reasonable discovery of the alleged violation.

Sec. 3.7. NRS 281.471 is hereby amended to read as follows:

281.471 The Commission shall:

1. Adopt procedural regulations:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of a request for an opinion with the Commission;

(c) For the withdrawal of a request for an opinion by the person who filed the request; and

(d) To facilitate the prompt rendition of opinions by the Commission.

2. *Prescribe, by regulation, forms for the submission of statements of financial disclosure filed by candidates and elected and appointed public officers pursuant to NRS 281.561 and section 1.7 of this act and statements of acknowledgment filed by public officers pursuant to NRS 281.552.*

3. Prescribe, by regulation, ~~[forms and]~~ procedures for the submission of statements of financial disclosure *filed by appointed public officers pursuant to section 1.7 of this act* and statements of acknowledgment filed by public officers pursuant to NRS 281.552, maintain files of such statements and make the statements available for public inspection.

~~[3.]~~ *4.* Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

~~[4.]~~ *5.* Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

~~[5.]~~ *6.* Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

~~[6.]~~ *7.* Publish a manual for the use of public officers and employees that contains:

(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281.511, for the future guidance of all persons concerned with ethical standards in government;

(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281.511; and

(c) An abstract of the requirements of this chapter. The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the abstracts and published opinions of the Commission.".

Amend sec. 4, page 4, by deleting line 16 and inserting:

"6. ~~[Except as otherwise provided in this subsection, upon]~~ *Upon* such a".

Amend sec. 4, page 4, by deleting lines 21 through 26 and inserting: "testified or produced the books or papers before the Commission. ~~[If the witness has been subpoenaed by the Commission in response to a request for an opinion filed pursuant to NRS 294A.345 or 294A.346, the court shall direct the witness to appear before the court as expeditiously as possible to allow the Commission to render its opinion within the time required by NRS 281.477.]~~ A certified".

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. NRS 281.521 is hereby amended to read as follows:

281.521 1. The Commission's opinions may include guidance to a public officer or employee on questions whether:

(a) A conflict exists between his personal interest and his official duty.

(b) His official duties involve the use of discretionary judgment whose exercise in the particular matter would have a significant effect upon the disposition of the matter.

(c) The conflict would materially affect the independence of the judgment of a reasonable person in his situation.

(d) He possesses special knowledge which is an indispensable asset of his public agency and is needed by it to reach a sound decision.

(e) It would be appropriate for him to withdraw or abstain from participation, disclose the nature of his conflicting personal interest or pursue some other designated course of action in the matter.

2. ~~[Except as otherwise provided in NRS 281.477, 294A.345 and 294A.346, the]~~ *The* Commission's opinions may not include guidance to a public officer or employee on questions regarding the provisions of chapter 294A of NRS.".

Amend sec. 8, page 13, by deleting lines 11 through 18 and inserting:

"4. ~~[In addition to any other penalty provided by law, by an affirmative vote of two-thirds of the Commission, the Commission may impose on any person who violates any provision of NRS 294A.345 or 294A.346 a civil penalty not to exceed $5,000. The Commission shall not impose a civil penalty for a violation of NRS 294A.345 unless the Commission has made the specific findings required pursuant to subsection 7 of NRS 281.477.~~

~~5.]~~ If the Commission finds that:".

Amend sec. 8, page 13, line 20, by deleting "it" and inserting: "~~[it]~~ *the Commission*".

Amend sec. 8, page 13, line 32, by deleting "6." and inserting "~~[6.]~~ *5.*".

Amend sec. 8, page 13, line 44, by deleting "7." and inserting "~~[7.]~~ *6.*".

Amend sec. 8, page 14, line 4, by deleting "8." and inserting "~~[8.]~~ *7.*".

Amend sec. 8, page 14, by deleting lines 13 through 15 and inserting:

"~~[9.]~~ *8.* The imposition of a civil penalty pursuant to ~~[subsections 1 to 4, inclusive,]~~ *subsection 1, 2 or 3* is a final decision for the purposes of judicial review.

~~[10. In determining for the purposes of this section whether a~~".

Amend sec. 8, page 14, line 34, after "~~11.]~~" by inserting "*9.*".

Amend the bill as a whole by adding new sections designated sections 8.3 and 8.7, following sec. 8, to read as follows:

"Sec. 8.3. NRS 281.552 is hereby amended to read as follows:

281.552 1. Every public officer shall acknowledge that he has received, read and understands the statutory ethical standards. The acknowledgment must be on a form prescribed by the Commission and must accompany the first statement of financial disclosure that the public officer is required to file

with the Commission pursuant to *section 1.7 of this act or with the Secretary of State pursuant to* NRS 281.561.

2. The Commission *and the Secretary of State* shall retain an acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

3. Willful refusal to execute and file the acknowledgment required by this section constitutes nonfeasance in office and is a ground for removal pursuant to NRS 283.440.

Sec. 8.7. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in subsection 2 or 3, ~~[if a]~~ *each* candidate for public office ~~[or a public officer is]~~ *who will be* entitled to receive *annual* compensation *of $6,000 or more* for serving in the office ~~[in question, he]~~ *that he is seeking and each public officer who was elected to the office for which he is serving* shall file with the ~~[Commission,]~~ *Secretary of State,* and with the officer with whom declarations of candidacy for the office ~~[in question]~~ are filed, a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office.

(b) ~~[A public officer appointed to fill the unexpired term of an elected public officer shall file a statement of financial disclosure within 30 days after his appointment.~~

~~(c) Every public officer, whether appointed or elected,]~~ *Each public officer* shall file a statement of financial disclosure on or before March 31 of each year of the term, including the year the term expires.

~~[(d)]~~ *(c)* A public officer who leaves office on a date other than the expiration of his term or anniversary of his ~~[appointment or election,]~~ *election* shall file a statement of financial disclosure within 60 days after leaving office.

2. A statement filed pursuant to one of the paragraphs of subsection 1 may be used to satisfy the requirements of another paragraph of subsection 1 if the initial statement was filed not more than 3 months before the other statement is required to be filed.

3. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office in which he is also serving.

4. A person may satisfy the requirements of subsection 1 by filing with the ~~[Commission]~~ *Secretary of State* a copy of a statement of financial disclosure that was filed pursuant to the requirements of a specialized or local ethics committee if the form of the statement has been approved by the Commission.

5. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial

disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

6. The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed by candidates or public officers pursuant to this section, maintain files of such statements and make the statements available for public inspection.".

Amend sec. 9, page 14, line 41, after "281.571" by inserting: "*and section 1.7 of this act*".

Amend sec. 11, page 15, line 19, after "281.561" by inserting: "*or section 1.7 of this act*".

Amend sec. 11, page 15, lines 24, 28, 32, 35 and 38, by deleting "*281.561,*" and inserting: "*281.561 or subsection 1 of section 1.7 of this act,*".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. ~~[Except as otherwise provided in NRS 294A.345 and 294A.346, if]~~ *If* it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include any information in support of the alleged violation.".

Amend sec. 12, page 16, by deleting line 13 and inserting:

"Sec. 12. NRS 281.437, 281.477, 281.525, 294A.345 and 294A.346 are hereby repealed.".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. The amendatory provisions of this act do not apply to conduct that occurred before the effective date of this act, or to the jurisdiction, duties, powers or proceedings of the Commission on Ethics relating to such conduct.".

Amend the bill as a whole by deleting the text of repealed sections and inserting the leadlines of repealed sections, following sec. 13, to read as follows:

"

LEADLINES OF REPEALED SECTIONS

281.437 "Vexatious" defined.

281.477 Public hearing on request for opinion as to whether person committed act to impede success of political campaign: Request; notice; response; continuance; actions of Commission; judicial review of final opinion.

281.525 Use of false or misleading statement regarding opinion of Commission; penalty.

294A.345 Impeding success of campaign of candidate by causing publication of certain false statements of fact concerning candidate prohibited; civil penalty imposed by Commission on Ethics.

294A.346 Impeding success or inducing another to impede success of campaign of candidate or for ballot question prohibited; civil penalty imposed by Commission on Ethics.".

Amend the title of the bill to read as follows:

"AN ACT relating to ethics in government; requiring certain public officers to submit electronically to the Commission on Ethics and the Secretary of State a list of public officers and candidates for public office; revising the prohibition against a public officer or employee using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for certain persons; removing a duplicative provision relating to the disclosure of certain conflicts of interest; revising certain deadlines related to investigations and determinations concerning ethics violations; eliminating the authority of the Commission to impose a civil penalty against a person who submits to the Commission a false accusation or information in bad faith or with a vexatious purpose; revising the provisions governing the filing of statements of financial disclosure; repealing the provision prohibiting a person from making, using, publishing or disseminating a false, deceptive or misleading statement to induce the Commission to render an opinion or take action relating thereto; repealing the provision prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot under certain circumstances; repealing the provision prohibiting certain persons from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to Commission on Ethics and statements of financial disclosure. (BDR 23-500)".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 814.

Amend the bill as a whole by adding new sections designated sections 5.3 through 5.7, following sec. 5, to read as follows:

"Sec. 5.3. *1. As used in this section, "action" includes a course of action and a decision on whether or not to take action.*

2. A trustee may provide a notice of proposed action regarding any matter governed by sections 2 to 44, inclusive, of this act.

3. If a trustee provides a notice of proposed action, the trustee shall mail the notice of proposed action to every adult beneficiary who, at the time the notice is provided, receives, or is entitled to receive, income under the trust or who would be entitled to receive a distribution of principal if the trust were terminated. A notice of proposed action need not be provided to a person who consents in writing to the proposed action. A consent to a proposed action may be executed before or after the proposed action is taken.

4. The notice of proposed action must state:

(a) That the notice is provided pursuant to this section;

(b) The name and mailing address of the trustee;

(c) The name and telephone number of a person with whom to communicate for additional information regarding the proposed action;

(d) A description of the proposed action and an explanation of the reason for taking the action;

(e) The time within which objection to the proposed action may be made, which must be not less than 30 days after the notice of proposed action is mailed; and

(f) The date on or after which the proposed action is to be taken or is to be effective.

5. A beneficiary may object to the proposed action by mailing a written objection to the trustee at the address and within the time stated in the notice.

6. If no beneficiary entitled to receive notice of a proposed action objects to the proposed action and the other requirements of this section are met, the trustee is not liable to any present or future beneficiary with respect to that proposed action.

7. If the trustee received a written objection to the proposed action within the period specified in the notice, the trustee or a beneficiary may petition the court for an order to take the action as proposed, take the action with modification or deny the proposed action. A beneficiary who failed to object to the proposed action is not estopped from opposing the proposed action. The burden is on a beneficiary to prove that the proposed action should not be taken or should be modified.

8. If the trustee decides not to take a proposed action for which notice has been provided, the trustee shall notify the beneficiaries of his decision not to take the proposed action and the reasons for his decision. The trustee

is not liable to any present or future beneficiary with respect to the decision not to take the proposed action. A beneficiary may petition the court for an order to take the action as proposed. The burden is on the beneficiary to prove that the proposed action should be taken.

9. If the proposed action for which notice has been proved is an adjustment to principal and income pursuant to section 18 of this act, the sole remedy a court may order, pursuant to subsections 7 and 8, is to make the adjustment, to make the adjustment with a modification or to order the adjustment not to be made.

Sec. 5.5. *1. The provisions of sections 2 to 44, inclusive, of this act do not impose or create a duty of a trustee to make an adjustment between principal and income pursuant to the provisions of section 18 of this act.*

2. A trustee shall not be liable for:

(a) Not considering whether to make such an adjustment; or

(b) Deciding not to make such an adjustment.

Sec. 5.7. *Except as specifically provided in a trust instrument, a will or sections 2 to 44, inclusive, the provisions of sections 2 to 44, inclusive, apply to any trust or estate of a decedent existing on or after October 1, 2003.*".

Amend sec. 18, page 7, by deleting lines 21 and 22.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 780.

Amend sec. 2, page 1, line 3, by deleting "*NRS 284.073,*" and inserting: "*subsection 5 of NRS 284.073, the Chairman of*".

Amend sec. 3, page 2, lines 9 and 27, before "*Committee*" by inserting: "*Chairman of the*".

Amend sec. 3, page 2, line 34, after "*the*" by inserting: "*Chairman of the*".

Amend sec. 3, page 2, lines 36 and 42, by deleting "*Committee*" and inserting "*Chairman*".

Amend sec. 3, page 3, line 17, by deleting "*Committee*" and inserting "*Chairman*".

Amend sec. 4, page 3, by deleting lines 27 through 38 and inserting:

"Sec. 4. *An employee who is the subject of an internal administrative investigation that could lead to disciplinary action against him pursuant to NRS 284.385 must be:*

1. Provided notice in writing of the allegations against him before he is questioned regarding the allegations; and

2. Afforded the right to have a lawyer or other representative of his choosing present with him at any time that he is questioned regarding those allegations. The employee must be given not less than 2 business days to obtain such representation, unless he waives his right to be represented.".

Amend the title of the bill to read as follows:

"AN ACT relating to state personnel; authorizing the Chairman of the Employee-Management Committee to issue subpoenas in certain circumstances for the attendance of witnesses and the production of books and papers; providing certain rights for employees that are the subject of an internal administrative investigation; and providing other matters properly related thereto.".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 336.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 843.

Amend sec. 2, page 3, by deleting lines 7 through 19 and inserting:

"2. Except as otherwise provided in *this subsection and* subsection ~~[6,]~~ *7,* the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. ~~[However:~~

~~(a) Action may be postponed by the]~~ *The* State Engineer *may:*

(a) Postpone action upon written authorization to do so by the applicant or, if an application is protested, by the protestant and the applicant . ~~[; and]~~

(b) *Postpone action if the purpose for which the application was made is municipal use.*

(c) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, ~~[the State Engineer may]~~ withhold action until it is determined there is unappropriated water or the court action becomes final.".

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. NRS 534.270 is hereby amended to read as follows:

534.270 1. Upon receipt of an application for a permit to operate a project, the State Engineer shall endorse on the application the date it was received and keep a record of the application. He shall conduct an initial review of the application within 45 days after receipt of the application. If the State Engineer determines in the initial review that the application is incomplete, he shall notify the applicant. The application is incomplete until the applicant files all the information requested in the application. The State Engineer shall determine whether the application is correct within 180 days

after receipt of a complete application. The State Engineer may request additional information from the applicant. The State Engineer may conduct such independent investigations as are necessary to determine whether the application should be approved or rejected.

2. If the application is determined to be complete and correct, the State Engineer, within 30 days after such a determination or a longer period if requested by the applicant, shall cause notice of the application to be given once each week for 2 consecutive weeks in a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the project. The notice must state:

(a) The legal description of the location of the proposed project;

(b) A brief description of the proposed project including its capacity;

(c) That any person who may be adversely affected by the project may file a written protest with the State Engineer within 30 days after the last publication of the notice;

(d) The date of the last publication;

(e) That the grounds for protesting the project are limited to whether the project would be in compliance with subsection 2 of NRS 534.250;

(f) The name of the applicant; and

(g) That a protest must:

(1) State the name and mailing address of the protester;

(2) Clearly set forth the reason why the permit should not be issued; and

(3) Be signed by the protester or the protester's agent or attorney.

3. A protest to a proposed project:

(a) May be made by any person who may be adversely affected by the project;

(b) Must be in writing;

(c) Must be filed with the State Engineer within 30 days after the last publication of the notice;

(d) Must be upon a ground listed in subsection 2 of NRS 534.250;

(e) Must state the name and mailing address of the protester;

(f) Must clearly set forth the reason why the permit should not be issued; and

(g) Must be signed by the protester or the protester's agent or attorney.

4. Upon receipt of a protest, the State Engineer shall advise the applicant by certified mail that a protest has been filed.

5. Upon receipt of a protest, or upon his own motion, the State Engineer may hold a hearing. Not less than 30 days before the hearing, the State Engineer shall send by certified mail notice of the hearing to the applicant and any person who filed a protest.

6. The State Engineer shall either approve or deny each application within 1 year after the final date for filing a protest, unless he has received a written request from the applicant to postpone his decision or, in the case of a protested application, from both the protester and the applicant. The State

Engineer may delay action on the application pursuant to paragraph ~~[(b)]~~ *(c)* of subsection 2 of NRS 533.370.

7. Any person aggrieved by any decision of the State Engineer made pursuant to subsection 6, may appeal that decision to the district court pursuant to NRS 533.450.".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 784.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The Public Employees' Retirement System shall:

1. On or before October 1, 2003, submit a request to the Internal Revenue Service of the United States Department of the Treasury for a determination of whether disability retirement benefits paid pursuant to chapter 286 of NRS are excludable from taxable income;

2. On or before July 1, 2004, review any alternative methods allowed under federal law for reporting disability retirement allowances to the Internal Revenue Service and consider the feasibility of implementing any such method; and

3. On or before July 1, 2004, prepare and submit a report to the Legislative Commission regarding the determination that it requested pursuant to subsection 1 and the results of its review pursuant to subsection 2.".

Amend sec. 2, page 1, by deleting line 8 and inserting:

"Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2005.".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 354.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 706.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

A governing body or its authorized representative may relieve a person who proposes to divide land pursuant to NRS 278.360 to 278.460, inclusive, or 278.471 to 278.4725, inclusive, from the requirement to dedicate easements to public utilities that provide gas, electric, telecommunications, water and sewer services and any franchised community antenna television companies pursuant to paragraph (d) or (e) of subsection 9 of NRS 278.372 or paragraph (c) or (d) of subsection 4 of NRS 278.472 if the person demonstrates to the public body or its authorized representative that there is not an essential nexus to the public purpose for the dedication and the dedication is not roughly proportional in nature and extent to the impact of the proposed development.".

Amend section 1, page 2, by deleting lines 27 through 30 and inserting:

"*(d) Except as otherwise provided in section 1 of this act, an easement for public utilities that provide gas, electric and telecommunications services and for any community antenna television companies that have a franchise to operate a community antenna television system in that area.*

(e) Except as otherwise provided in section 1 of this act, an easement for public utilities that provide water and sewer services.".

Amend sec. 3, page 4, by deleting lines 16 through 19 and inserting:

"(c) ~~[Any easements]~~ *Except as otherwise provided in section 1 of this act, an easement* for public utilities ~~[which exist or which are proposed.]~~ *that provide gas, electric and telecommunications services and for any community antenna television companies that have a franchise to operate a community antenna television system in that area.*

(d) *Except as otherwise provided in section 1 of this act, an easement for public utilities that provide water and sewer services.*".

Amend sec. 4, page 5, by deleting lines 25 through 28 and inserting:

"(c) ~~[Any easements]~~ *Except as otherwise provided in section 1 of this act, an easement* for public utilities ~~[which exist or which are proposed.]~~ *that provide gas, electric and telecommunications services and for any community antenna television companies that have a franchise to operate a community antenna television system in that area.*

(d) *Except as otherwise provided in section 1 of this act, an easement for public utilities that provide water and sewer services.*".

Amend the title of the bill to read as follows:

"AN ACT relating to property; requiring certain subdividers of land to dedicate easements to certain public utilities and franchised community antenna television companies; providing an exception; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires certain subdividers of land to dedicate easements to certain public utilities and franchised community antenna television companies under certain circumstances. (BDR 22-598)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 836.

Amend section 1, page 1, by deleting lines 14 through 17 and inserting:

"*3. A person who violates this section is guilty of a misdemeanor and, except as otherwise provided in subsection 4, shall be punished:*

(a) As provided in NRS 193.150; or

(b) If the violation does not cause any personal injury or damage to property, by a fine of not more than $100.

4. The provisions of subsection 3 do not prohibit a local authority from enacting by ordinance a traffic regulation that:

(a) Covers the same subject matter as this section; and

(b) Imposes upon a person for any violation of such a traffic regulation a penalty which is not greater than the fullest penalty that may be imposed for conviction of a misdemeanor pursuant to NRS 193.150.".

Amend the title of the bill, second line, after "highways;" by inserting: "authorizing local authorities to impose different penalties for corresponding violations;".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 426.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 821.

Amend sec. 8, page 3, by deleting line 20 and inserting: "*shall:*

(a) Establish procedures and standards for the review and approval of such an application, including, without limitation, procedures for:

(1) Review and approval of such an application by administrative staff pursuant to this section; and

(2) Consideration of such an application by the land use authority if the administrative staff denies the application; and

(b) Authorize administrative staff to review and approve such an application pursuant to this section.

2. The administrative staff authorized to review and approve an application to construct a facility for personal wireless service may approve such an application if:

(a) The applicant complies with the procedures established by the land use authority pursuant to this section;

(b) The facility for personal wireless service meets the standards established by the land use authority pursuant to this section;".

Amend sec. 8, page 3, line 21, by deleting "*(a)*" and inserting "*(c)*".

Amend sec. 8, page 3, line 25, by deleting "*(b)*" and inserting "*(d)*".

Amend sec. 8, page 3, line 31, by deleting "*authority;*" and inserting: "*authority, if the facility for personal wireless service that is the subject of the application is architecturally integrated as described in subparagraph (1) at least to the extent that the facility for personal wireless service with which it is to be collocated is architecturally integrated;*".

Amend sec. 8, page 3, by deleting line 37.

Amend sec. 8, page 3, between lines 38 and 39 by inserting:

"*3. If the administrative staff authorized pursuant to this section to review and approve an application to construct a facility for personal wireless service denies such an application, the administrative staff shall provide to the applicant and the land use authority a written explanation that identifies each procedure and standard that the applicant, application or facility for personal wireless service failed to meet.*".

Amend sec. 8, page 3, line 39, by deleting "*2.*" and inserting "*4.*".

Amend sec. 8, pages 3 and 4, by deleting lines 44 and 45 on page 3 and lines 1 and 2 on page 4.

Amend sec. 8, page 4, line 3, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 8, page 4, line 5, after "*application*" by inserting: "*based on the use of the public right-of-way*".

Amend sec. 8, page 4, by deleting lines 6 and 7 and inserting:

"*(1) Meets all applicable state and local requirements for use of a public right-of-way, including, without limitation, any requirements established by the land use authority; and*".

Amend sec. 8, page 4, by deleting lines 9 through 11.

Amend sec. 10, page 4, line 16, by deleting "*or conditions*".

Amend sec. 10, page 4, line 20, by deleting "*or conditioned*".

Amend sec. 10, page 4, by deleting lines 22 and 23 and inserting:

"*(b) Describe the documents relied upon by the land use authority in making its decision.*".

Amend the title of the bill to read as follows:

"AN ACT relating to wireless telecommunications; providing for standards and procedures for approval by a state or local land use authority of an application for the construction of a facility for personal wireless service under certain circumstances; authorizing a land use authority to assess an

applicant for the actual costs incurred by the authority to process an application; requiring that a denial of an application be in writing, set forth each ground for denial and describe the documents relied upon; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for standards and procedures for approval of applications for construction of facilities for personal wireless communications. (BDR 58-1286)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 738.

Amend section 1, page 1, by deleting line 14 and inserting: "which are located on that real property. The provisions of this subparagraph do not prohibit the State from making grants to the City of Las Vegas for the operation or maintenance of the real property or any appurtenances or facilities which are located on the real property.".

Amend section 1, page 2, line 2, by deleting: "Floyd Lamb State Park" and inserting: "a name which includes the name of Floyd Lamb".

Amend section 1, page 2, by deleting line 3 and inserting: "approves the change by statute.".

Amend section 1, page 2, by deleting line 6 and inserting: "the agreement by statute; or".

Amend sec. 2, page 2, line 16, by deleting "and".

Amend sec. 2, page 2, between lines 19 and 20, by inserting:

"(4) Ensure that the property is used only for passive recreation; and".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Brown moved that Assembly Bill No. 534 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Brown.

Motion carried.

Assemblyman Williams moved that Senate Bill No. 390 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Manendo moved that Senate Bill No. 112 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Manendo.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 206, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Sherer, and Horne as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 206.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 207, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Horne, Carpenter, and Ohrenschall as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 207.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 353.

The following Senate amendment was read:

Amendment No. 751.

Amend sec. 2, page 2, line 22, by deleting "*A*" and inserting: "*Except as otherwise required by federal law, a*".

Amend sec. 2, page 2, line 36, after "*(a)*" by inserting: " *"Commercial purposes" means the use of directory information by any person, including, without limitation, a corporation or other business, outside of the System to solicit or provide facilities, goods or services in exchange for the payment of any purchase price, fee, contribution, donation or other valuable consideration.*

(b)".

Amend sec. 2, page 2, line 38, by deleting "*(b)*" and inserting "*(c)*".

Amend sec. 2, page 2, line 42, by deleting "*(c)*" and inserting "*(d)*".

Amend the bill as a whole by deleting sections 3 through 7 and adding:

"Secs. 3-7. (Deleted by amendment.)".

Amend sec. 8, page 4, by deleting lines 1 through 7 and inserting:

"Sec. 8. This act becomes effective on July 1, 2003.".

Amend the bill as a whole by deleting the leadlines of repealed sections.

Amend the title of the bill to read as follows:

"AN ACT relating to the University and Community College System of Nevada; providing certain restrictions upon the disclosure of personally identifiable information concerning students for commercial and noncommercial uses; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to provisions governing disclosure of personally identifiable information concerning students by University and Community College System of Nevada. (BDR 34-76)".

Assemblyman Williams moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 353.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507.

The following Senate amendment was read:

Amendment No. 673.

Amend section 1, page 1, by deleting line 8 and inserting: "student in his major ~~[, if applicable,]~~ *or minor,* or other course work".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 507.

Remarks by Assemblyman Williams.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 73.

The following Senate amendment was read:

Amendment No. 657.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 4 through 6 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person ~~[, causing the older person to suffer unjustifiable physical pain or mental suffering,]~~ is guilty *:*

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same

or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person and who:

(a) Neglects the older person, causing the older person to suffer physical pain or mental suffering;

(b) Permits or allows the older person to suffer unjustifiable physical pain or mental suffering; or

(c) Permits or allows the older person to be placed in a situation where the older person may suffer physical pain or mental suffering as the result of abuse or neglect, is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person shall be punished, if the value of any money, assets and property obtained or used:

(a) Is less than $250, for a misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $2,000, or by both fine and imprisonment;

(b) Is at least $250, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

(c) Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment, unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $2,000, or by both fine and imprisonment.

5. Any person who isolates an older person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. *In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court:*

(a) Shall order the person to pay restitution; and

(b) May order the person to pay court costs, the cost of enforcement, the cost of prosecution or any combination thereof.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person if the person knows or has reason to know that the older person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person as evidenced by an observable and substantial impairment of the ability of the older person to function within his normal range of performance or behavior.

Sec. 3. NRS 200.50995 is hereby amended to read as follows:

200.50995 A person who conspires with another to commit abuse, exploitation or isolation of an older person as prohibited by NRS 200.5099 ~~[,]~~ shall be punished:

1. For the first offense, for a gross misdemeanor.

2. For the second and all subsequent offenses, for a category C felony as provided in NRS 193.130. ~~[In addition to any other penalty, the court shall order the person to pay restitution.]~~ Each person found guilty of such a conspiracy is jointly and severally liable for the restitution *and any costs ordered by the court pursuant to NRS 200.5099* with each other person found guilty of the conspiracy.".

Amend the title of the bill, third line, by deleting: "providing a penalty;" and inserting: "revising the provisions concerning certain crimes against older persons; providing penalties;".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 73.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 78.

The following Senate amendment was read:

Amendment No. 719.

Amend section 1, page 3, line 6, after "*201.262;*" by inserting "*or*".

Amend section 1, page 3, by deleting line 7.

Amend section 1, page 3, line 8, by deleting "*(e)*" and inserting "*(d)*".

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 719 to Assembly Bill No. 78.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 773.

Amend the bill as a whole by renumbering sec. 5 as sec. 9 and adding new sections designated sections 5 through 8, following sec. 4, to read as follows:

"Sec. 5. Chapter 179B of NRS is hereby amended by adding thereto a new section to read as follows:

"Offender" means a sex offender or an offender convicted of a crime against a child.

Sec. 6. NRS 179B.010 is hereby amended to read as follows:

179B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179B.020 to 179B.140, inclusive, *and section 5 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall, in a manner prescribed by the Director, establish within the Central Repository a program to provide the public with access to certain information contained in the statewide registry. The program may include, but is not limited to, the use of a secure website on the Internet or other electronic means of communication to provide the public with access to certain information contained in the statewide registry if such information is made available and disclosed in accordance with the procedures set forth in this section.

2. ~~[Before a search of the statewide registry is conducted on behalf of a requester seeking information from the program, the requester must provide his name, address and telephone number and the following information concerning the identity of the subject of the search:~~

~~(a) The name of the subject of the search and at least one of the following items:~~

~~(1) The social security number of the subject of the search;~~

~~(2) The identification number from a driver's license or an identification card issued to the subject of the search by this state; or~~

~~(3) The date of birth of the subject of the search; or~~

~~(b) The name and address of the subject of the search and all of the following items:~~

~~(1) The race or ethnicity of the subject of the search;~~

~~(2) The hair color and eye color of the subject of the search;~~

~~(3) The approximate height and weight of the subject of the search; and~~

~~(4) The approximate age of the subject of the search. After conducting a search based upon information provided pursuant to paragraph (a) or (b), the Central Repository may require the requester to provide additional information to confirm the identity of the subject of the search. The additional information may include, but is not limited to, the license number from a motor vehicle frequently driven by the subject of the search, the employer of the subject of the search or any information listed in paragraph (a) or (b) that was not provided for the initial search.~~

~~3. After conducting a search of the statewide registry on behalf of a requester,~~] *For each inquiry to the program, the requester must provide:*

(a) The name of the subject of the search;

(b) Any alias of the subject of the search;

(c) The zip code of the residence, place of work or school of the subject of the search; or

(d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

3. For each inquiry to the program, made by the requester, the Central Repository shall:

(a) Explain the levels of notification that are assigned to sex offenders pursuant to NRS 179D.730; and

(b) Explain that the Central Repository is prohibited by law from disclosing information concerning certain offenders, even if those offenders are listed in the statewide registry.

4. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository:

(a) Shall disclose to the requester information concerning an offender who is assigned a Tier 3 level of notification.

(b) May, in the discretion of the Department, disclose to the requester information concerning an offender who is assigned a Tier 2 level of notification.

(c) Shall not disclose to the requester information concerning an offender who is assigned a Tier 1 level of notification.

5. After each inquiry to the program made by the requester, the Central Repository shall inform the requester that:

(a) No ~~[person]~~ *offender* listed in the statewide registry matches the information provided by the requester concerning the identity *or location* of the subject of the search;

(b) *The search of the statewide registry has not produced information that is available to the public through the statewide registry;*

(c) The requester needs to provide additional information concerning the identity *or location* of the subject of the search before the Central Repository may disclose the results of the search; or

~~[(c) A person]~~

(d) An offender listed in the statewide registry matches the information provided by the requester concerning the identity *or location* of the subject of the search. If a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository:

(1) *Shall inform the requester of the name or any alias of the offender and the zip codes of the residence, work place and school of the offender.*

(2) Shall inform the requester of each offense for which the ~~[subject of the search]~~ *offender* was convicted *, describing each offense in language that is understandable to the ordinary layperson,* and the date and location of each conviction.

~~[(2)]~~ *(3) Shall inform the requester of the age of the victim and offender at the time of each offense.*

(4) May, through the use of a secure website on the Internet or other electronic means of communication, provide the requester with a photographic image of the ~~[subject of the search]~~ *offender* if such an image is available.

~~[(3)]~~ *(5)* Shall not provide the requester with any other information that is included in the record of registration for the ~~[subject of the search.~~

~~4.]~~ *offender.*

6. For each inquiry to the program, the Central Repository shall ~~[:~~

~~(a) Charge a fee to the requester;~~

~~(b) Maintain]~~ *maintain* a log of the information provided by the requester to the Central Repository and the information provided by the Central Repository to the requester . ~~[; and~~

~~(c) Inform the requester that information obtained through the program may not be used to violate the law or the individual rights of another person and that such misuse of information obtained through the program may subject the requester to criminal prosecution or civil liability for damages.~~

~~5.]~~ *7.* A person may not use information obtained through the program as a substitute for information relating to sexual offenses that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.

8. The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.

Sec. 8. NRS 179B.260 is hereby repealed.”.

Amend the bill as a whole by adding the text of the repealed section, following sec. 5, to read as follows:

“

TEXT OF REPEALED SECTION

179B.260 Use of fees collected from operation of program. All money received by the Central Repository from operation of the program must be used as provided in subsection 2 of NRS 179A.140.”.

Amend the title of the bill to read as follows:

“AN ACT relating to offenders; revising the penalty for a sexual assault against a child under the age of 16 years; revising the penalty for lewdness with a child; prohibiting the suspension of sentence or granting of probation to a person convicted of lewdness with a child; revising certain provisions relating to the program that provides the public with access to certain information in the statewide registry concerning certain sex offenders and offenders convicted of a crime against a child; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes changes to various provisions pertaining to certain offenders who commit sexual offenses and crimes against children. (BDR 15-1031)”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment No. 773 to Assembly Bill No. 78.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 12:54 p.m.

ASSEMBLY IN SESSION

At 5:29 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK MANENDO, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 241, 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 116, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 116, 229, 241, and 436 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 112.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 847.

Amend section 1, page 2, between lines 2 and 3, by inserting:

"*3. The Secretary of State shall adopt regulations to define "care, custody and control" for the purposes of subsection 1.*".

Amend sec. 2, page 3, by deleting lines 12 through 14 and inserting: "*check or other instrument:*

(1) A fee of $25; and

(2) If the check or other instrument that was returned had been presented for the payment of a filing fee for more than one entity, an additional fee in an amount equal to the actual cost incurred by the Office of the Secretary of State to perform any administrative duties required as a result of the returned check or instrument.

The Secretary of State shall, by regulation, establish procedures for the imposition of the fees authorized by this paragraph and the manner in which a fee authorized by subparagraph (2) will be calculated.".

Amend the title of the bill, fourth line, after "State;" by inserting: "requiring the Secretary of State to adopt certain regulations;".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 878.

Amend section 1, page 1, line 3, by deleting "*9*" and inserting "*6*".

Amend section 1, page 1, line 4, by deleting "*80*" and inserting "*60*".

Amend section 1, page 2, lines 18, 29 and 37, by deleting "*court*" and inserting: "*Department of Public Safety*".

Amend section 1, page 3, by deleting lines 9 through 14 and inserting:

"*6. As used in this section, "child restraint system" means any device that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation:*

(a) Booster seats and belt-positioning seats that are designed to elevate or otherwise position a child so as to allow the child to be secured with a safety belt;

(b) Integrated child seats; and

(c) Safety belts that are designed specifically to be adjusted to accommodate children.".

Amend sec. 2, page 3, line 29, by deleting "*9*" and inserting "*6*".

Amend sec. 2, page 3, line 30, by deleting "*80*" and inserting "*60*".

Amend sec. 2, page 3, line 38, by deleting "*9*" and inserting "*6*".

Amend sec. 2, page 3, by deleting line 40 and inserting:

"*(b) Is less than 6 years of age but who weighs more than 60*".

Amend the title of the bill to read as follows:

"AN ACT relating to motor vehicles; requiring that a child who is both less than 6 years of age and weighs 60 pounds or less be secured in a child restraint system when traveling in certain motor vehicles; requiring that such a system be properly installed within and attached to the motor vehicle; revising the provisions relating to the imposition of a fine or a requirement to perform community service for failing to secure a child in a child restraint system; requiring that each child who is not required to be secured in a child restraint system must be secured with a standard safety belt; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 779.

Amend section 1, page 1, line 6, after "*allowed.*" by inserting: "*Such public comment may be allowed immediately preceding action on the specific item, during a single period preceding action on any item on the agenda, or any combination thereof.*".

Amend section 1, page 1, by deleting lines 8 and 9 and inserting: "*rule of procedure regarding the public comment required pursuant to subsection 1*.".

Amend sec. 1.5, page 3, by deleting line 16 and inserting:

"*(b) A public body to which another public body has delegated the authority to take final action subject to appeal to that other public body; or*"

Amend sec. 1.5, page 3, line 17, by deleting "*(b)*" and inserting "*(c)*".

Amend sec. 1.5, page 3, line 21, by deleting "*government.*" and inserting: "*government or a public body which has fewer than one full-time administrative employee or whose members are not entitled by statute to receive per diem or other compensation while engaged in the business of the public body.*".

Amend sec. 2, pages 3 through 6, by deleting lines 26 through 44 on page 3, lines 1 through 45 on page 4, lines 1 through 43 on page 5 and lines 1 through 6 on page 6, and inserting:

"241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate physically handicapped persons desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed, an indication of any item that is a closed session and an estimated time for the conduct of that closed session. If the meeting will include more than one closed session, the public body shall schedule and consider those items consecutively, if practicable.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made ~~[.]~~ *and may be renewed by the requester in writing.* The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) ~~[If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted]~~ *Transmitted* to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting ~~[.]~~ *if feasible for the public body, the requester has agreed to receive the public notice by electronic mail and receipt of such an electronic notice can be verified.*

4. If a public body maintains ~~[a]~~ *its own* website on the Internet or its successor, the public body shall post notice of each of its meetings on its website *not later than 9 a.m. of the third working day before the meeting* unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. *Regardless of whether it maintains its own website on the Internet or its successor, a public body that is a governing board shall post notice of each of its meetings on a public website on the Internet or its successor not later than 9 a.m. of the third working day before the meeting unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the website.* Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of *such* technical problems ~~[with its website]~~ shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law. If the requester has agreed to receive the information and material set forth in this subsection by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

6. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

7. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.".

Amend sec. 3, page 6, line 26, by deleting "*If*" and inserting: "*Except as otherwise provided in subsection 3, if*".

Amend sec. 3, page 6, line 29, by deleting "30" and inserting "~~[30]~~ *60*".

Amend sec. 3, page 6, line 43, by deleting "disclosure." and inserting: "disclosure ~~[.]~~ *in writing.*".

Amend sec. 3, page 7, line 1, after "3." by inserting: "*A public body that is a governing board is not required by paragraph (b) of subsection 2 to post any exhibits that are included in the written minutes on the public website. If the public body that is a governing board does not post such exhibits on the public website, the public body shall:*

(a) Post a list of those exhibits on the website with the written minutes in which those exhibits are included; and

(b) Indicate the location at which those exhibits are available for public inspection.

4.".

Amend sec. 3, page 7, line 5, by deleting "4." and inserting "~~[4.]~~ *5.*".'

Amend sec. 3, page 7, line 24, by deleting "*disclosure.*" and inserting: "*disclosure in writing.*".

Amend the bill as a whole by adding a new section designated section 4.5, following sec. 4, to read as follows:

"Sec. 4.5. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in this chapter, a meeting or hearing that may result in a recommendation or final decision to grant, deny, continue or revoke the parole of a prisoner, certify a prisoner pursuant to NRS 213.1214, commute a sentence, restore a person's civil rights, grant a pardon or reprieve or remit a fine or forfeiture is not subject to any provision of chapter 241 of NRS.".

Amend the bill as a whole by adding a new section designated sec. 15.5, following sec. 15, to read as follows:

"Sec. 15.5. NRS 318.020 is hereby amended to read as follows:

318.020 As used in this chapter, unless the context otherwise requires:

1. "Acquisition," "acquire" and "acquiring" each means acquisition, extension, alteration, reconstruction, repair or other improvement by purchase, construction, installation, reconstruction, condemnation, lease, rent, gift, grant, bequest, devise, contract or other acquisition, or any combination thereof.

2. "Board of trustees" and "board" alone each means the board of trustees of a district.

3. "FM radio" means a system of radio broadcasting by means of frequency modulation.

4. "General improvement district" and "district" alone each means any general improvement district organized or, in the case of organizational provisions, proposed to be organized, pursuant to this chapter.

5. "Mail" means a single mailing first class or its equivalent, postage prepaid, by deposit in the United States mails, at least 15 days before the designated time or event.

6. "Project" and "improvement" each means any structure, facility, undertaking or system which a district is authorized to acquire, improve, equip, maintain or operate. A project may consist of all kinds of personal and real property, including, but not limited to, land, elements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right therein, legal or equitable, including terms for years, or any combination thereof.

7. "Publication" means publication ~~[at least once a week for 3 consecutive weeks in at least]~~ one *time in a* newspaper of general circulation in the district ~~[. It is not necessary that publication be made on the same day of the week in each of the 3 calendar weeks, but the first publication must be]~~ at least 15 days before the designated time or event.

8. "Qualified elector" means a person who has registered to vote in district elections.

9. "Special assessment district" means any local public improvement district organized within a general improvement district by the board of trustees of such general improvement district pursuant to this chapter.

10. "Trustees" means the members of a board.".

Amend sec. 16, page 13, line 9, by deleting "$6,000" and inserting "~~[$6,000]~~ *$9,000*".

Amend sec. 16, page 13, by deleting lines 13 through 15 and inserting: "an employee or otherwise. ~~[A]~~ *Each* member of the board ~~[is not entitled to receive as compensation more than $1,800 per year if the additional compensation is approved during the term of the member.]~~ *must receive the same compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not take effect until January 1 following the next biennial election of the district as set forth in NRS 318.095.*".

Amend the bill as a whole by renumbering sec. 16.5 as sec. 16.8 and adding new sections designated sections 16.2 through 16.6, following sec. 16, to read as follows:

"Sec. 16.2. NRS 318.197 is hereby amended to read as follows:

318.197 1. The board may fix, and from time to time increase or decrease, electric energy, cemetery, swimming pool, other recreational facilities, television, FM radio, sewer, water, storm drainage, flood control, snow removal, lighting, garbage or refuse rates, tolls or charges other than special assessments, including, but not limited to, service charges and standby service charges, for services or facilities furnished by the district, charges for the availability of service, annexation charges, and minimum charges, and pledge the revenue for the payment of any indebtedness or special obligations of the district.

2. Upon compliance with subsection 9 and until paid, all rates, tolls or charges constitute a perpetual lien on and against the property served. A perpetual lien is prior and superior to all liens, claims and titles other than liens of general taxes and special assessments and is not subject to extinguishment by the sale of any property on account of nonpayment of any liens, claims and titles including the liens of general taxes and special assessments. A perpetual lien must be foreclosed in the same manner as provided by the laws of the State of Nevada for the foreclosure of mechanics' liens. Before any lien is foreclosed, the board shall hold a hearing thereon after providing notice thereof by publication and by registered or certified first-class mail, postage prepaid, addressed to the last known owner at his last known address according to the records of the district and the real property assessment roll in the county in which the property is located.

3. The board shall prescribe and enforce regulations for the connection with and the disconnection from properties of the facilities of the district and the taking of its services.

4. The board may provide for the collection of charges. Provisions may be made for, but are not limited to:

(a) The granting of discounts for prompt payment of bills.

(b) The requiring of deposits or the prepayment of charges in an amount not exceeding 1 year's charges from persons receiving service and using the facilities of the enterprise or from the owners of property on which or in connection with which services and facilities are to be used. In case of nonpayment of all or part of a bill, the deposits or prepaid charges must be applied only insofar as necessary to liquidate the cumulative amount of the charges plus penalties and cost of collection.

(c) The requiring of a guaranty by the owner of property that the bills for service to the property or the occupants thereof will be paid.

5. The board may provide for a basic penalty for nonpayment of the charges within the time and in the manner prescribed by it. The basic penalty must not be more than 10 percent of each month's charges for the first month delinquent. In addition to the basic penalty, the board may provide for a

penalty of not exceeding 1.5 percent per month for nonpayment of the charges and basic penalty. ~~[On the first day of the calendar month following the date of payment specified in the bill the]~~ *The board may prescribe and enforce regulations that set forth the date on which a* charge becomes delinquent . ~~[if the bill or that portion thereof which is not in bona fide dispute remains unpaid.]~~ The board may provide for collection of the penalties provided for in this section.

6. The board may provide that charges for any service must be collected together with and not separately from the charges for any other service rendered by it, and that all charges must be billed upon the same bill and collected as one item.

7. The board may enter into a written contract with any person, firm or public or private corporation providing for the billing and collection by the person, firm or corporation of the charges for the service furnished by any enterprise. If all or any part of any bill rendered by the person, firm or corporation pursuant to a contract is not paid and if the person, firm or corporation renders any public utility service to the person billed, the person, firm or corporation may discontinue its utility service until the bill is paid, and the contract between the board and the person, firm or corporation may so provide.

8. As a remedy established for the collection of due and unpaid deposits and charges and the penalties thereon an action may be brought in the name of the district in any court of competent jurisdiction against the person or persons who occupied the property when the service was rendered or the deposit became due or against any person guaranteeing payment of bills, or against any or all such persons, for the collection of the amount of the deposit or the collection of delinquent charges and all penalties thereon.

9. A lien against the property served is not effective until a notice of the lien, separately prepared for each lot affected, is:

(a) Mailed to the last known owner at his last known address according to the records of the district and the real property assessment roll of the county in which the property is located;

(b) Delivered by the board to the office of the county recorder of the county within which the property subject to such lien is located;

(c) Recorded by the county recorder in a book kept by him for the purpose of recording instruments encumbering land; and

(d) Indexed in the real estate index as deeds and other conveyances are required by law to be indexed.

Sec. 16.4. NRS 318.490 is hereby amended to read as follows:

318.490 1. Except as otherwise provided in NRS 318.492, whenever a majority of the members of the board of county commissioners of any county deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, it shall so determine by ordinance, after there is first found, determined and recited in the ordinance that:

(a) All outstanding indebtedness and bonds of all kinds of the district have been paid or will be assumed by the resulting merged or consolidated unit of government.

(b) The services of the district are no longer needed or can be more effectively performed by an existing unit of government.

2. ~~[The]~~ *If a board of county commissioners determines to merge, consolidate or dissolve a district that was, on October 1, 2003, exercising powers pursuant to NRS 318.140, 318.142 and 318.144, in addition to meeting the requirements set forth in subsection 1, within 90 days after the ordinance is adopted by the board of county commissioners, the ordinance must be adopted by a majority of the board of trustees of the district that is being merged, consolidated or dissolved. A district described in this subsection may not be merged, consolidated or dissolved if the ordinance is not adopted by the board of the district.*

3. After an ordinance has been adopted pursuant to subsection 1 and, if applicable, subsection 2, the county clerk shall thereupon certify a copy of the ordinance to the board of the district and shall mail written notice to all property owners within the district in his county, containing the following:

(a) The adoption of the ordinance ~~[;]~~ *by the board of county commissioners and, if applicable, by the board of the district;*

(b) The determination of the board of county commissioners that the district should be dissolved, merged or consolidated; and

(c) The time and place for hearing on the dissolution, merger or consolidation.

Sec. 16.6. NRS 318.492 is hereby amended to read as follows:

318.492 1. If all the territory within a district organized pursuant to this chapter is included within the boundaries of a city incorporated under the provisions of chapter 266 of NRS, the board of county commissioners of the county shall, within 90 days after the filing of the notice required by NRS 266.033, adopt an ordinance providing for the merger of the district with the city and fixing a time and place for a hearing on the merger.

2. The county clerk shall certify a copy of the ordinance and give notice of its adoption in the manner provided by subsection ~~[2]~~ *3* of NRS 318.490.

3. The board of county commissioners shall thereafter proceed to hear and determine the matter as provided in NRS 318.495 and 318.500.".

Amend the title of the bill to read as follows:

"AN ACT relating to public bodies; prohibiting certain public bodies from voting on an item on the agenda until public comment has been allowed on the item under certain circumstances; revising provisions governing notice of meetings of public bodies; requiring certain public bodies to post the minutes of a public meeting on the Internet; requiring certain public bodies to make and retain an audio recording of a public meeting; providing that certain meetings regarding prisoners and persons on parole or probation are not subject to the open meeting law; requiring that a member of certain agencies be present at a workshop of the agency concerning a proposed regulation of

the agency, if practicable; authorizing a board of trustees of a general improvement district to increase the compensation of the trustees under certain circumstances; authorizing the board of trustees of a general improvement district to adopt and enforce regulations regarding the date on which a charge for services provided by the district becomes delinquent; making certain changes regarding the merger, consolidation or dissolution of certain general improvement districts; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes regarding public bodies. (BDR 19-16)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 241.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 805.

Amend the bill as a whole by deleting sections 1 through 59 and adding new sections designated sections 1 through 35 and the leadlines of repealed sections, following the enacting clause, to read as follows:

"Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *"Amend a complaint to add a cause of action for a constructional defect" means any act by which a claimant seeks to:*

1. Add to the pleadings a defective component that is not otherwise included in the pleadings and for which a notice was not previously given; or

2. Amend the pleadings in such a manner that the practical effect is the addition of a constructional defect that is not otherwise included in the pleadings.

The term does not include amending a complaint to plead a different cause for a constructional defect which is included in the same action.

Sec. 3. *"Design professional" means a person who holds a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS.*

Sec. 4. *"Subcontractor" means a contractor who performs work on behalf of another contractor in the construction of a residence or appurtenance.*

Sec. 5. *"Supplier" means a person who provides materials, equipment or other supplies for the construction of a residence or appurtenance.*

Sec. 6. *1. Except as otherwise provided in subsection 2, not later than 60 days after a contractor receives a notice pursuant to subsection 4 of NRS 40.645 which alleges common constructional defects to residences or appurtenances within a single development and which complies with the*

requirements of subsection 4 of NRS 40.645 for giving such notice, the contractor may respond to the named owners of the residences or appurtenances in the notice in the manner set forth in section 9 of this act.

2. The contractor may provide a disclosure of the notice of the alleged common constructional defects to each unnamed owner of a residence or appurtenance within the development to whom the notice may apply in the manner set forth in this section. The disclosure must be sent by certified mail, return receipt requested, to the home address of each such owner. The disclosure must be mailed not later than 60 days after the contractor receives the notice of the alleged common constructional defects, except that if the common constructional defects may pose an imminent threat to health and safety, the disclosure must be mailed as soon as reasonably practicable, but not later than 20 days after the contractor receives the notice.

3. The disclosure of a notice of alleged common constructional defects provided by a contractor to the unnamed owners to whom the notice may apply pursuant to subsection 2 must include, without limitation:

(a) A description of the alleged common constructional defects identified in the notice that may exist in the residence or appurtenance;

(b) A statement that notice alleging common constructional defects has been given to the contractor which may apply to the owner;

(c) A statement advising the owner that he has 30 days within which to request the contractor to inspect the residence or appurtenance to determine whether the residence or appurtenance has the alleged common constructional defects;

(d) A form which the owner may use to request such an inspection or a description of the manner in which the owner may request such an inspection;

(e) A statement advising the owner that if he fails to request an inspection pursuant to this section, no notice shall be deemed to have been given by him for the alleged common constructional defects; and

(f) A statement that if the owner chooses not to request an inspection of his residence or appurtenance, he is not precluded from sending a notice pursuant to NRS 40.645 individually or commencing an action or amending a complaint to add a cause of action for a constructional defect individually after complying with the requirements set forth in NRS 40.600 to 40.695, inclusive, and sections 2 to 15, inclusive, of this act.

4. If an unnamed owner requests an inspection of his residence or appurtenance in accordance with subsection 3, the contractor must provide the response required pursuant to section 9 of this act not later than 45 days after the date on which the contractor receives the request.

5. If a contractor who receives a notice pursuant to subsection 4 of NRS 40.645 does not provide a disclosure to unnamed owners as authorized pursuant to this section, the owners of the residences or appurtenances to whom the notice may apply may commence an action for the constructional defect without complying with any other provision set forth in NRS 40.600 to

40.695, inclusive, and sections 2 to 15, inclusive, of this act. This subsection does not establish or prohibit the right to maintain a class action.

6. If a contractor fails to provide a disclosure to an unnamed owner to whom the notice of common constructional defects was intended to apply:

(a) The contractor shall be deemed to have waived his right to inspect and repair any common constructional defect that was identified in the notice with respect to that owner; and

(b) The owner is not required to comply with the provisions set forth in NRS 40.645 or section 11 of this act before commencing an action or amending a complaint to add a cause of action based on that common constructional defect.

Sec. 7. *1. Except as otherwise provided in subsection 2, not later than 30 days after the date on which a contractor receives notice of a constructional defect pursuant to NRS 40.645, the contractor shall forward a copy of the notice by certified mail, return receipt requested, to the last known address of each subcontractor, supplier or design professional whom the contractor reasonably believes is responsible for a defect specified in the notice.*

2. If a contractor does not provide notice as required pursuant to subsection 1, the contractor may not commence an action against the subcontractor, supplier or design professional related to the constructional defect unless the contractor demonstrates that, after making a good faith effort, he was unable to identify the subcontractor, supplier or design professional who he believes is responsible for the defect within the time provided pursuant to subsection 1.

3. Except as otherwise provided in subsection 4, not later than 30 days after receiving notice from the contractor pursuant to this section, the subcontractor, supplier or design professional shall inspect the alleged constructional defect in accordance with subsection 1 of section 8 of this act and provide the contractor with a written statement indicating:

(a) Whether the subcontractor, supplier or design professional has elected to repair the defect for which the contractor believes the subcontractor, supplier or design professional is responsible; and

(b) If the subcontractor, supplier or design professional elects to repair the defect, an estimate of the length of time required for the repair, and at least two proposed dates on and times at which the subcontractor, supplier or design professional is able to begin making the repair.

4. If the notice of a constructional defect forwarded by the contractor was given pursuant to subsection 4 of NRS 40.645 and the contractor provides a disclosure of the notice of the alleged common constructional defects to the unnamed owners to whom the notice may apply pursuant to section 6 of this act:

(a) The contractor shall, in addition to the notice provided pursuant to subsection 1, upon receipt of a request for an inspection, forward a copy of the request to or notify each subcontractor, supplier or design professional

who may be responsible for the alleged defect of the request not later than 5 working days after receiving such a request; and

(b) Not later than 20 days after receiving notice from the contractor of such a request, the subcontractor, supplier or design professional shall inspect the alleged constructional defect in accordance with subsection 2 of section 8 of this act and provide the contractor with a written statement indicating:

(1) Whether the subcontractor, supplier or design professional has elected to repair the defect for which the contractor believes the subcontractor, supplier or design professional is responsible; and

(2) If the subcontractor, supplier or design professional elects to repair the defect, an estimate of the length of time required for the repair, and at least two proposed dates on and times at which the subcontractor, supplier or design professional is able to begin making the repair.

5. If a subcontractor, supplier or design professional elects to repair the constructional defect, the contractor or claimant may hold the subcontractor liable for any repair which does not eliminate the defect.

Sec. 8. *1. Except as otherwise provided in subsection 2, after notice of a constructional defect is given to a contractor pursuant to NRS 40.645, the claimant shall, upon reasonable notice, allow the contractor and each subcontractor, supplier or design professional who may be responsible for the alleged defect reasonable access to the residence or appurtenance that is the subject of the notice to determine the nature and extent of a constructional defect and the nature and extent of repairs that may be necessary. To the extent possible, the persons entitled to inspect shall coordinate and conduct the inspections in a manner which minimizes the inconvenience to the claimant.*

2. If notice is given to the contractor pursuant to subsection 4 of NRS 40.645, the contractor and each subcontractor, supplier or design professional who may be responsible for the defect do not have the right to inspect the residence or appurtenance of an owner who is not named in the notice unless the owner requests the inspection in the manner set forth in section 6 of this act. If the owner does not request the inspection, the owner shall be deemed not to have provided notice pursuant to NRS 40.645.

Sec. 9. *1. Except as otherwise provided in NRS 40.670 and 40.672 and section 6 of this act, a written response must be sent by certified mail, return receipt requested, to a claimant who gives notice of a constructional defect pursuant to NRS 40.645:*

(a) By the contractor not later than 90 days after the contractor receives the notice; and

(b) If notice was sent to a subcontractor, supplier or design professional, by the subcontractor, supplier or design professional not later than 90 days after the date that the subcontractor, supplier or design professional receives the notice.

2. The written response sent pursuant to subsection 1 must respond to each constructional defect in the notice and:

(a) Must state whether the contractor, subcontractor, supplier or design professional has elected to repair the defect or cause the defect to be repaired. If an election to repair is included in the response and the repair will cause the claimant to move from his home during the repair, the election must also include monetary compensation in an amount reasonably necessary for temporary housing or for storage of household items, or for both, if necessary.

(b) May include a proposal for monetary compensation, which may include contribution from a subcontractor, supplier or design professional.

(c) May disclaim liability for the constructional defect and state the reasons for such a disclaimer.

3. If the claimant is a homeowners' association, the association shall send a copy of the response to each member of the association not later than 30 days after receiving the response.

4. If the contractor, subcontractor, supplier or design professional has elected not to repair the constructional defect, the claimant or contractor may bring a cause of action for the constructional defect or amend a complaint to add a cause of action for the constructional defect.

5. If the contractor, subcontractor, supplier or design professional has elected to repair the constructional defect, the claimant must provide the contractor, subcontractor, supplier or design professional with a reasonable opportunity to repair the constructional defect.

Sec. 10. *1. If the response provided pursuant to section 9 of this act includes an election to repair the constructional defect:*

(a) The repairs may be performed by the contractor, subcontractor, supplier or design professional, if he is properly licensed, bonded and insured to perform the repairs and, if he is not, the repairs may be performed by another person who meets those qualifications.

(b) The repairs must be performed:

(1) On reasonable dates and at reasonable times agreed to in advance with the claimant;

(2) In compliance with any applicable building code and in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of repair; and

(3) In a manner which will not increase the cost of maintaining the residence or appurtenance than otherwise would have been required if the residence or appurtenance had been constructed without the constructional defect, unless the contractor and the claimant agree in writing that the contractor will compensate the claimant for the increased cost incurred as a result of the repair.

(c) Any part of the residence or appurtenance that is not defective but which must be removed to correct the constructional defect must be replaced.

(d) The contractor, subcontractor, supplier or design professional shall prevent, remove and indemnify the claimant against any mechanics' liens and materialmen's liens.

2. Unless the claimant and the contractor, subcontractor, supplier or design professional agree to extend the time for repairs, the repairs must be completed:

(a) If the notice was sent pursuant to subsection 4 of NRS 40.645 and there are four or fewer owners named in the notice, for the named owners, not later than 105 days after the date on which the contractor received the notice.

(b) If the notice was sent pursuant to subsection 4 of NRS 40.645 and there are five or more owners named in the notice, for the named owners, not later than 150 days after the date on which the contractor received the notice.

(c) If the notice was sent pursuant to subsection 4 of NRS 40.645, not later than 105 days after the date on which the contractor provides a disclosure of the notice to the unnamed owners to whom the notice applies pursuant to section 6 of this act.

(d) If the notice was not sent pursuant to subsection 4 of NRS 40.645:

(1) Not later than 105 days after the date on which the notice of the constructional defect was received by the contractor, subcontractor, supplier or design professional if the notice of a constructional defect was received from four or fewer owners; or

(2) Not later than 150 days after the date on which the notice of the constructional defect was received by the contractor, subcontractor, supplier or design professional if the notice was received from five or more owners or from a representative of a homeowners' association.

3. If repairs reasonably cannot be completed within the time set forth in subsection 2, the claimant and the contractor, subcontractor, supplier or design professional shall agree to a reasonable time within which to complete the repair. If the claimant and contractor, subcontractor, supplier or design professional cannot agree on such a time, any of them may petition the court to establish a reasonable time for completing the repair.

4. Any election to repair made pursuant to section 9 of this act may not be made conditional upon a release of liability.

5. Not later than 30 days after the repairs are completed, the contractor, subcontractor, supplier or design professional who repaired or caused the repair of a constructional defect shall provide the claimant with a written statement describing the nature and extent of the repair, the method used to repair the constructional defect and the extent of any materials or parts that were replaced during the repair.

Sec. 11. *1. Except as otherwise provided in section 6 of this act, after notice of a constructional defect is given pursuant to NRS 40.645, before a claimant may commence an action or amend a complaint to add a cause of*

action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant must:

(a) Allow an inspection of the alleged constructional defect to be conducted pursuant to section 8 of this act; and

(b) Allow the contractor, subcontractor, supplier or design professional a reasonable opportunity to repair the constructional defect or cause the defect to be repaired if an election to repair is made pursuant to section 9 of this act.

2. If a claimant commences an action without complying with subsection 1 or NRS 40.645, the court shall:

(a) Dismiss the action without prejudice and compel the claimant to comply with those provisions before filing another action; or

(b) If dismissal of the action would prevent the claimant from filing another action because the action would be procedurally barred by the statute of limitations or statute of repose, the court shall stay the proceeding pending compliance with those provisions by the claimant.

Sec. 12. *1. A claimant and any contractor, subcontractor, supplier and design professional may submit a question or dispute to the State Contractors' Board concerning any matter which may affect or relate to a constructional defect, including, without limitation, questions concerning the need for repairs, the appropriate method for repairs, the sufficiency of any repairs that have been made and the respective rights and responsibilities of homeowners, claimants, contractors, subcontractors, suppliers and design professionals.*

2. If a question or dispute is submitted to the State Contractors' Board pursuant to this section, the State Contractors' Board shall, pursuant to its regulations, rules and procedures, respond to the question or investigate the dispute and render a decision. Nothing in this section authorizes the State Contractors' Board to require the owner of a residence or appurtenance to participate in any administrative hearing which is held pursuant to this section.

3. Not later than 30 days after a question or dispute is submitted to the State Contractors' Board pursuant to subsection 1, the State Contractors' Board shall respond to the question or render its decision. The response or decision of the State Contractors' Board:

(a) Is not binding and is not subject to judicial review pursuant to the provisions of chapters 233B and 624 of NRS; and

(b) Is not admissible in any judicial or administrative proceeding brought pursuant to the provisions of this chapter.

4. The provisions of this chapter do not preclude a claimant or a contractor, subcontractor, supplier or design professional from pursuing any remedy otherwise available from the State Contractors' Board pursuant to the provisions of chapter 624 of NRS concerning a constructional defect.

5. If an action for a constructional defect has been commenced, the court shall not stay or delay any proceedings before the court pending an answer

to a question or decision concerning a dispute submitted to the State Contractors' Board.

6. The State Contractors' Board shall adopt regulations necessary to carry out the provisions of this section and may charge and collect reasonable fees from licensees to cover the cost of carrying out its duties pursuant to this section.

Sec. 13. *1. If a contractor, subcontractor, supplier or design professional receives written notice of a constructional defect, the contractor, subcontractor, supplier or design professional may present the claim to an insurer which has issued a policy of insurance that covers all or any portion of the business of the contractor, subcontractor, supplier or design professional.*

2. If the contractor, subcontractor, supplier or design professional presents the claim to the insurer pursuant to this section, the insurer:

(a) Must treat the claim as if a civil action has been brought against the contractor, subcontractor, supplier or design professional; and

(b) Must provide coverage to the extent available under the policy of insurance as if a civil action has been brought against the contractor, subcontractor, supplier or design professional.

3. A contractor, subcontractor, supplier or design professional is not required to present a claim to the insurer pursuant to this section, and the failure to present such a claim to the insurer does not relieve the insurer of any duty under the policy of insurance to the contractor, subcontractor, supplier or design professional.

Sec. 14. *1. If a settlement conference is held concerning a claim for a constructional defect, the special master, if any, or the judge presiding over the claim may order a representative of an insurer of a party to attend the settlement conference. If a representative of an insurer is ordered to attend the settlement conference, the insurer shall ensure that the representative is authorized, on behalf of the insurer, to:*

(a) Bind the insurer to any settlement agreement relating to the claim;

(b) Enter into any agreement relating to coverage that may be available under the party's policy of insurance which is required to carry out any settlement relating to the claim; and

(c) Commit for expenditure money or other assets available under the party's policy of insurance.

2. If a representative of an insurer who is ordered to attend a settlement conference pursuant to subsection 1 fails to attend the settlement conference or attends but is substantially unprepared to participate, or fails to participate in good faith, the special master or the judge may, on his own motion or that of a party, issue any order with regard thereto that is just under the circumstances.

3. In lieu of or in addition to any other sanction, the special master or the judge may require the insurer to pay any reasonable expenses or attorney's fees incurred by a party because of the failure of the insurer or its

representative to comply with the provisions of this section or any order issued pursuant to this section, unless the special master or the judge finds that the failure to comply was substantially justified or that any other circumstances make the award of such expenses or fees unjust.

4. Any insurer which conducts business in this state and which insures a party against liability for the claim shall be deemed to have consented to the jurisdiction of the special master or the judge for the purposes of this section.

5. The authority conferred upon the special master or the judge pursuant to this section is in addition to any other authority conferred upon the special master or the judge pursuant to any other statute or any court rule.

Sec. 15. *Not later than 15 days before the commencement of mediation required pursuant to NRS 40.680 and upon providing 15 days' notice, each party shall provide to the other party, or shall make a reasonable effort to assist the other party to obtain, all relevant reports, photos, correspondence, plans, specifications, warranties, contracts, subcontracts, work orders for repair, videotapes, technical reports, soil and other engineering reports and other documents or materials relating to the claim that are not privileged.*

Sec. 16. NRS 40.600 is hereby amended to read as follows:

40.600 As used in NRS 40.600 to 40.695, inclusive, *and sections 2 to 15, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 40.605 to 40.630, inclusive, *and sections 2 to 5, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 17. NRS 40.610 is hereby amended to read as follows:

40.610 "Claimant" means ~~[an]~~ *:*

1. An owner of a residence or appurtenance ~~[or a]~~ *;*

2. A representative of a homeowner's association that is responsible for a residence or appurtenance and is acting within the scope of his duties pursuant to chapter 116 or 117 of NRS ~~[.]~~ *; or*

3. Each owner of a residence or appurtenance to whom a notice applies pursuant to subsection 4 of NRS 40.645.

Sec. 18. NRS 40.615 is hereby amended to read as follows:

40.615 "Constructional defect" ~~[includes]~~ *means* a defect in the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance ~~[. The term includes]~~ *and includes, without limitation, the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance:*

1. Which is done in violation of law, including, without limitation, in violation of local codes or ordinances;

2. Which proximately causes physical damage to the residence, an appurtenance or the real property to which the residence or appurtenance is affixed ~~[that is proximately caused by a constructional defect.]~~ *;*

3. Which is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of design, construction, manufacture, repair or landscaping; or

4. Which presents an unreasonable risk of injury to a person or property.

Sec. 19. NRS 40.635 is hereby amended to read as follows:

40.635 NRS 40.600 to 40.695, inclusive ~~[:]~~ *, and sections 2 to 15, inclusive, of this act:*

1. Apply to any claim that arises before, on or after July 1, 1995, as the result of a constructional defect, except a claim for personal injury or wrongful death, if the claim is the subject of an action commenced on or after July 1, 1995.

2. Prevail over any conflicting law otherwise applicable to the claim or cause of action.

3. Do not bar or limit any defense otherwise available *,* except as otherwise provided in those sections.

4. Do not create a new theory upon which liability may be based ~~[.]~~ *, except as otherwise provided in those sections.*

Sec. 20. NRS 40.645 is hereby amended to read as follows:

40.645 *1.* Except as otherwise provided in this section and NRS 40.670 *,* ~~[:~~

~~1. For a claim that is not a complex matter, at least 60 days]~~ before a claimant commences an action *or amends a complaint to add a cause of action for a constructional defect* against a contractor ~~[for damages arising from a constructional defect,]~~ *, subcontractor, supplier or design professional* the claimant ~~[must]~~ *:*

(a) Must give written notice by certified mail, return receipt requested, to the contractor, at the contractor's ~~[last known address, specifying]~~ *address listed in the records of the State Contractors' Board or in the records of the office of the county or city clerk or at the contractor's last known address if his address is not listed in those records; and*

(b) May give written notice by certified mail, return receipt requested, to any subcontractor, supplier or design professional known to the claimant who may be responsible for the constructional defect, if the claimant knows that the contractor is no longer licensed in this state or that he no longer acts as a contractor in this state.

2. The notice given pursuant to subsection 1 must:

(a) Include a statement that the notice is being given to satisfy the requirements of this section;

(b) Specify in reasonable detail the defects or any damages or injuries to each residence or appurtenance that is the subject of the claim ~~[. The notice must describe]~~ *; and*

(c) Describe in reasonable detail the cause of the defects if the cause is known, the nature and extent that is known of the damage or injury resulting from the defects and the location of each defect within each residence or appurtenance to the extent known.

3. Notice that includes an expert opinion concerning the cause of the constructional defects and the nature and extent of the damage or injury resulting from the defects which is based on a valid and reliable

representative sample of the components of the residences or appurtenances may be used as notice of the common constructional defects within the residences or appurtenances to which the expert opinion applies.

4. Except as otherwise provided in subsection 5, one notice may be sent relating to all similarly situated owners of residences or appurtenances within a single development that allegedly have common constructional defects if:

(a) An expert opinion *is obtained* concerning the cause of the *common constructional* defects and the nature and extent of the damage or injury resulting from the *common constructional* defects *;*

(b) That expert opinion concludes that based on a *valid and reliable* representative sample of the components of the residences and appurtenances ~~[involved]~~ *included* in the ~~[action satisfies the requirements of this section. During the 45-day period after the contractor receives the notice, on his written request, the contractor is entitled to inspect the property that is the subject of the claim to determine the nature and cause of the defect, damage or injury and the nature and extent of repairs necessary to remedy the defect. The contractor shall, before making the inspection, provide reasonable notice of the inspection and shall make the inspection at a reasonable time. The contractor may take reasonable steps to establish the existence of the defect.~~

~~2. If a residence or appurtenance that is the subject of the claim is covered by a homeowner's warranty that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive, a claimant shall diligently pursue a claim under the contract.~~

~~3. Within 60 days after the contractor receives the notice, the contractor shall make a written response to the claimant. The response:~~

~~(a) Must be served to the claimant by certified mail, return receipt requested, at the claimant's last known address.~~

~~(b) Must respond to each constructional defect set forth in the claimant's notice, and describe in reasonable detail the cause of the defect, if known, the nature and extent of the damage or injury resulting from the defect, and, unless the response is limited to a proposal for monetary compensation, the method, adequacy and estimated cost of any proposed repair.~~

~~(c) May include:~~

~~(1) A proposal for monetary compensation, which may include a contribution from a subcontractor.~~

~~(2) If the contractor or his subcontractor is licensed to make the repairs, an agreement by the contractor or subcontractor to make the repairs.~~

~~(3) An agreement by the contractor to cause the repairs to be made, at the contractor's expense, by another contractor who is licensed to make the repairs, bonded and insured. The repairs must be made within 45 days after the contractor receives written notice of acceptance of the response, unless completion is delayed by the claimant or by other events beyond the control of the contractor, or timely completion of the repairs is not reasonably~~

~~possible. The claimant and the contractor may agree in writing to extend the periods prescribed by this section.~~

~~4. Not later than 15 days before the mediation required pursuant to NRS 40.680 and upon providing 15 days' notice, each party shall provide the other party, or shall make a reasonable effort to assist the other party to obtain, all relevant reports, photos, correspondence, plans, specifications, warranties, contracts, subcontracts, work orders for repair, videotapes, technical reports, soil and other engineering reports and other documents or materials relating to the claim that are not privileged.~~

~~5. If the claimant is a representative of a homeowner's association, the association shall submit any response made by the contractor to each member of the association.~~

~~6. As used in this section, "subcontractor" means a contractor who performs work on behalf of another contractor in the construction of a residence or appurtenance.]~~ *notice, it is the opinion of the expert that those similarly situated residences and appurtenances may have such common constructional defects; and*

(c) A copy of the expert opinion is included with the notice.

5. A representative of a homeowner's association may send notice pursuant to this section on behalf of an association that is responsible for a residence or appurtenance if the representative is acting within the scope of his duties pursuant to chapter 116 or 117 of NRS.

6. Notice is not required pursuant to this section before commencing an action if:

(a) The contractor, subcontractor, supplier or design professional has filed an action against the claimant; or

(b) The claimant has filed a formal complaint with a law enforcement agency against the contractor, subcontractor, supplier or design professional for threatening to commit or committing an act of violence or a criminal offense against the claimant or the property of the claimant.

Sec. 21. NRS 40.650 is hereby amended to read as follows:

40.650 1. If a claimant unreasonably rejects a reasonable written offer of settlement made as part of a response ~~[made]~~ pursuant to ~~[NRS 40.645 or 40.682 or does not permit the contractor or independent contractor a reasonable opportunity to repair the defect pursuant to an accepted offer of settlement]~~ *paragraph (b) of subsection 2 of section 9 of this act* and thereafter commences an action governed by NRS 40.600 to 40.695, inclusive, *and sections 2 to 15, inclusive, of this act,* the court in which the action is commenced may:

(a) Deny the claimant's attorney's fees and costs; and

(b) Award attorney's fees and costs to the contractor.

Any sums paid under a homeowner's warranty, other than sums paid in satisfaction of claims that are collateral to any coverage issued to or by the contractor, must be deducted from any recovery.

2. If a contractor *, subcontractor, supplier or design professional* fails to:

(a) *Comply with the provisions of section 9 of this act;*

(b) Make an offer of settlement;

~~[(b)]~~ *(c)* Make a good faith response to the claim asserting no liability;

~~[(c) Complete, in a good and workmanlike manner, the repairs specified in an accepted offer;]~~

(d) Agree to a mediator or accept the appointment of a mediator pursuant to NRS 40.680 *;* ~~[or subsection 4 of NRS 40.682;]~~ or

(e) Participate in mediation, the limitations on damages and defenses to liability provided in NRS 40.600 to 40.695, inclusive, *and sections 2 to 15, inclusive, of this act* do not apply and the claimant may commence an action *or amend a complaint to add a cause of action for a constructional defect* without satisfying any other requirement of NRS 40.600 to 40.695, inclusive ~~[.]~~ *, and sections 2 to 15, inclusive, of this act.*

3. *If a residence or appurtenance that is the subject of the claim is covered by a homeowner's warranty that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive, a claimant shall diligently pursue a claim under the contract.* If coverage under a homeowner's warranty is denied by an insurer in bad faith, the homeowner and the contractor *, subcontractor, supplier or design professional* have a right of action for the sums that would have been paid if coverage had been provided, plus reasonable attorney's fees and costs.

4. Nothing in this section prohibits an offer of judgment pursuant to Rule 68 of the Nevada Rules of Civil Procedure or NRS 17.115 if the offer of judgment includes all damages to which the claimant is entitled pursuant to NRS 40.655.

Sec. 22. NRS 40.655 is hereby amended to read as follows:

40.655 1. Except as otherwise provided in NRS 40.650, in a claim governed by NRS 40.600 to 40.695, inclusive, *and sections 2 to 15, inclusive, of this act,* the claimant may recover only the following damages to the extent proximately caused by a constructional defect:

(a) Any reasonable attorney's fees;

(b) The reasonable cost of any repairs already made that were necessary and of any repairs yet to be made that are necessary to cure any constructional defect that the contractor failed to cure and the reasonable expenses of temporary housing reasonably necessary during the repair;

(c) The reduction in market value of the residence or accessory structure, if any, to the extent the reduction is because of structural failure;

(d) The loss of the use of all or any part of the residence;

(e) The reasonable value of any other property damaged by the constructional defect;

(f) Any additional costs reasonably incurred by the claimant, including, but not limited to, any costs and fees incurred for the retention of experts to:

(1) Ascertain the nature and extent of the constructional defects;

(2) Evaluate appropriate corrective measures to estimate the value of loss of use; and

(3) Estimate the value of loss of use, the cost of temporary housing and the reduction of market value of the residence; and

(g) Any interest provided by statute.

2. The amount of any attorney's fees awarded pursuant to this section must be approved by the court.

3. If a contractor complies with the provisions of NRS 40.600 to 40.695, inclusive, *and sections 2 to 15, inclusive, of this act,* the claimant may not recover from the contractor, as a result of the constructional defect, anything other than that which is provided pursuant to NRS 40.600 to 40.695, inclusive ~~[.]~~ *, and sections 2 to 15, inclusive, of this act.*

4. *This section must not be construed as impairing any contractual rights between a contractor and a subcontractor, supplier or design professional.*

5. As used in this section, "structural failure" means physical damage to the load-bearing portion of a residence or appurtenance caused by a failure of the load-bearing portion of the residence or appurtenance.

Sec. 23. NRS 40.660 is hereby amended to read as follows:

40.660 An offer of settlement *made pursuant to paragraph (b) of subsection 2 of section 9 of this act* that is not accepted within ~~[:~~

~~1. In a complex matter, 45 days; or~~

~~2. In a matter that is not a complex matter, 25 days,]~~

35 days after the offer is received by the claimant is considered rejected if the offer contains a clear and understandable statement notifying the claimant of the consequences of his failure to respond or otherwise accept or reject the offer of settlement. An affidavit certifying rejection of an offer of settlement under this section may be filed with the court.

Sec. 24. NRS 40.665 is hereby amended to read as follows:

40.665 In addition to any other method provided for settling a claim pursuant to NRS 40.600 to 40.695, inclusive, *and sections 2 to 15, inclusive, of this act,* a contractor may, pursuant to a written agreement entered into with a claimant, settle a claim by repurchasing the claimant's residence and the real property upon which it is located. The agreement may include provisions which reimburse the claimant for:

1. The market value of the residence as if no constructional defect existed, except that if a residence is less than 2 years of age and was purchased from the contractor against whom the claim is brought, the market value is the price at which the residence was sold to the claimant;

2. The value of any improvements made to the property by a person other than the contractor;

3. Reasonable attorney's fees and fees for experts; and

4. Any costs, including costs and expenses for moving and costs, points and fees for loans. Any offer of settlement made that includes the items listed in this section shall be deemed reasonable for the purposes of subsection 1 of NRS 40.650.

Sec. 25. NRS 40.667 is hereby amended to read as follows:

40.667 1. Except as otherwise provided in subsection 2, a written waiver or settlement agreement executed by a claimant after a contractor has corrected or otherwise repaired a constructional defect does not bar a claim for the constructional defect if it is determined that the contractor failed to correct or repair the defect properly.

2. The provisions of subsection 1 do not apply to any written waiver or settlement agreement described in subsection 1, unless:

(a) The claimant has obtained the opinion of an expert concerning the constructional defect;

(b) The claimant has provided the contractor with a written notice of the defect pursuant to NRS 40.645 ~~[or 40.682]~~ and a copy of the expert's opinion; and

(c) The claimant and the contractor have complied with the requirements for inspection and repair as provided in NRS 40.600 to 40.695, inclusive ~~[.]~~ *, and sections 2 to 15, inclusive, of this act.*

3. *The provisions of this section do not apply to repairs which are made pursuant to an election to repair pursuant to section 9 of this act.*

4. If a claimant does not prevail in any action which is not barred pursuant to this section, the court may:

(a) Deny the claimant's attorney's fees, fees for an expert witness or costs; and

(b) Award attorney's fees and costs to the contractor.

Sec. 26. NRS 40.670 is hereby amended to read as follows:

40.670 1. A contractor *, subcontractor, supplier or design professional* who receives written notice of a constructional defect resulting from work performed by the contractor *,* ~~[or his agent, employee or]~~ subcontractor *, supplier or design professional* which creates an imminent threat to the health or safety of the inhabitants of the residence shall take reasonable steps to cure the defect as soon as practicable. The contractor *, subcontractor, supplier or design professional* shall not cure the defect by making any repairs for which he is not licensed or by causing any repairs to be made by a person who is not licensed to make those repairs. If the contractor *, subcontractor, supplier or design professional* fails to cure the defect in a reasonable time, the owner of the residence may have the defect cured and may recover from the contractor *, subcontractor, supplier or design professional* the reasonable cost of the repairs plus reasonable attorney's fees and costs in addition to any other damages recoverable under any other law.

2. A contractor *, subcontractor, supplier or design professional* who does not cure a defect pursuant to this section because he has determined, in good faith and after a reasonable inspection, that there is not an imminent threat to the health or safety of the inhabitants is not liable for attorney's fees and costs pursuant to this section, except that if a building inspector, building official or other similar authority employed by a governmental body with jurisdiction certifies that there is an imminent threat to the health and safety

of the inhabitants of the residence, the contractor *, subcontractor, supplier or design professional* is subject to the provisions of subsection 1.

Sec. 27. NRS 40.672 is hereby amended to read as follows:

40.672 Except as otherwise provided in NRS 40.670, if a contractor *, subcontractor, supplier or design professional* receives written notice of a constructional defect ~~[that is not part of a complex matter]~~ not more than 1 year after the close of escrow of the initial purchase of the residence, the contractor *, subcontractor, supplier or design professional* shall make the repairs within 45 days after ~~[the contractor receives]~~ *receiving* the written notice unless completion is delayed by the claimant or by other events beyond the control of the contractor, *subcontractor, supplier or design professional,* or timely completion of repairs is not reasonably possible. The contractor *, subcontractor, supplier or design professional* and claimant may agree in writing to extend the period prescribed by this section. If ~~[the]~~ *a* contractor *or subcontractor* fails to comply with this section, he is immediately subject to discipline pursuant to NRS 624.300.

Sec. 28. NRS 40.680 is hereby amended to read as follows:

40.680 1. Except as otherwise provided in this chapter, before *a claimant commences* an action ~~[based on a claim governed by NRS 40.600 to 40.695, inclusive, may be commenced in court,]~~ *or amends a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional,* the matter must be submitted to mediation, unless mediation is waived in writing by the contractor *, subcontractor, supplier or design professional* and the claimant.

2. The claimant and ~~[contractor]~~ *each party alleged to have caused the constructional defect* must select a mediator by agreement. If the claimant and ~~[contractor]~~ *the other parties* fail to agree upon a mediator within ~~[45]~~ *20* days after a mediator is first selected by the claimant, ~~[either]~~ *any* party may petition the American Arbitration Association, the Nevada Arbitration Association, Nevada Dispute Resolution Services or any other mediation service acceptable to the parties for the appointment of a mediator. A mediator so appointed may discover only those documents or records which are necessary to conduct the mediation. The mediator shall convene the mediation within ~~[60]~~ *30* days after the matter is submitted to *him and shall complete the mediation within 45 days after the matter is submitted to* him, unless the parties agree to extend the time. ~~[Except in a complex matter, the claimant shall, before]~~

3. Before the mediation begins ~~[,]~~ *:*

(a) The claimant shall deposit $50 with the mediation service *;* and ~~[the contractor]~~

(b) Each other party shall deposit with the mediation service *, in equal shares,* the remaining amount estimated by the mediation service as necessary to pay the fees and expenses of the mediator for the first session of mediation ~~[, and the contractor]~~ *and* shall deposit additional amounts demanded by the mediation service as incurred for that purpose. ~~[In a~~

~~complex matter, each party shall share equally in the deposits estimated by the mediation service.]~~

4. Unless otherwise agreed, the total fees for each day of mediation and the mediator must not exceed $750 per day.

~~[3.]~~ *5.* If the parties do not reach an agreement concerning the matter during mediation or if ~~[the contractor]~~ *any party who is alleged to have caused the constructional defect* fails to pay the required fees and appear, the claimant may commence ~~[his]~~ *an* action *or amend a complaint to add a cause of action for the constructional defect* in court and:

(a) The reasonable costs and fees of the mediation are recoverable by the prevailing party as costs of the action.

(b) ~~[Either]~~ *Any* party may petition the court in which the action is commenced for the appointment of a special master.

~~[4.]~~ *6.* A special master appointed pursuant to subsection ~~[3]~~ *5* may:

(a) Review all pleadings, papers or documents filed with the court concerning the action.

(b) Coordinate the discovery of any books, records, papers or other documents by the parties, including the disclosure of witnesses and the taking of the deposition of any party.

(c) Order any inspections on the site of the property by a party and any consultants or experts of a party.

(d) Order settlement conferences and attendance at those conferences by any representative of the insurer of a party.

(e) Require any attorney representing a party to provide statements of legal and factual issues concerning the action.

(f) Refer to the judge who appointed him or to the presiding judge of the court in which the action is commenced any matter requiring assistance from the court. The special master shall not, unless otherwise agreed by the parties, personally conduct any settlement conferences or engage in any ex parte meetings regarding the action.

~~[5.]~~ *7.* Upon application by a party to the court in which the action is commenced, any decision or other action taken by a special master appointed pursuant to this section may be appealed to the court for a decision.

~~[6.]~~ *8.* A report issued by a mediator or special master that indicates that ~~[either]~~ *a* party has failed to appear before him or to mediate in good faith is admissible in the action, but a statement or admission made by ~~[either]~~ *a* party in the course of mediation is not admissible.

Sec. 29. NRS 40.688 is hereby amended to read as follows:

40.688 1. If a claimant attempts to sell a residence that is or has been the subject of a claim governed by NRS 40.600 to 40.695, inclusive, *and sections 2 to 15, inclusive, of this act,* he shall disclose, in writing, to any prospective purchaser of the residence, not less than 30 days before the close of escrow for the sale of the residence or, if escrow is to close less than 30 days after the execution of the sales agreement, then immediately upon the execution of the sales agreement or, if a claim is initiated less than

30 days before the close of escrow, within 24 hours after giving written notice to the contractor pursuant to ~~[subsection 1 of]~~ NRS 40.645 *:* ~~[or subsection 1 of NRS 40.682:]~~

(a) All notices given by the claimant to the contractor pursuant to NRS 40.600 to 40.695, inclusive, *and sections 2 to 15, inclusive, of this act* that are related to the residence;

(b) All opinions the claimant has obtained from experts regarding a constructional defect that is or has been the subject of the claim;

(c) The terms of any settlement, order or judgment relating to the claim; and

(d) A detailed report of all repairs made to the residence by or on behalf of the claimant as a result of a constructional defect that is or has been the subject of the claim.

2. Before taking any action on a claim pursuant to NRS 40.600 to 40.695, inclusive, *and sections 2 to 15, inclusive, of this act,* the attorney for a claimant shall notify the claimant in writing of the provisions of this section.

Sec. 30. NRS 40.6882 is hereby amended to read as follows:

40.6882 ~~["Complainant"]~~ *As used in NRS 40.6884 and 40.6885, unless the context otherwise requires, "complainant"* means a person who makes a claim or files an action against a design professional pursuant to NRS 40.600 to 40.695, inclusive ~~[.]~~ *, and sections 2 to 15, inclusive, of this act.*

Sec. 31. NRS 40.692 is hereby amended to read as follows:

40.692 ~~[If, after complying with the procedural requirements of NRS 40.645 and 40.680, or NRS 40.682, a claimant proceeds with an action for damages arising from a constructional defect:~~

~~1. The claimant and each contractor who is named in the original complaint when the action is commenced are not required, while the action is pending, to comply with the requirements of NRS 40.645 or 40.680, or NRS 40.682, for any constructional defect that the claimant includes in an amended complaint, if the constructional defect:~~

~~(a) Is attributable, in whole or in part, to such a contractor;~~

~~(b) Is located on the same property described in the original complaint; and~~

~~(c) Was not discovered before the action was commenced provided that a good faith effort had been undertaken by the claimant.~~

~~2. The]~~ *A* claimant *who commences an action for a constructional defect* is not required to give written notice of a defect pursuant to ~~[subsection 1 of NRS 40.645 or subsection 1 of NRS 40.682]~~ *NRS 40.645* to any person who ~~[is joined to or]~~ intervenes in the action as a party after it is commenced. If such a person becomes a party to the action:

~~[(a)]~~ *1.* For the purposes of ~~[subsection 1 of NRS 40.645 or subsection 1 of NRS 40.682,]~~ *NRS 40.645,* the person shall be deemed to have been given notice of the defect by the claimant on the date on which the person becomes a party to the action; and

~~[(b)]~~ *2.* The provisions of NRS 40.600 to 40.695, inclusive, *and sections 2 to 15, inclusive, of this act* apply to the person after that date.

Sec. 32. NRS 40.695 is hereby amended to read as follows:

40.695 1. Except as otherwise provided in subsection 2, statutes of limitation or repose applicable to a claim based on a constructional defect governed by NRS 40.600 to 40.695, inclusive, *and sections 2 to 15, inclusive, of this act* are tolled from the time notice of the claim is given, until 30 days after mediation is concluded or waived in writing pursuant to NRS 40.680 . ~~[or subsection 4 of NRS 40.682.]~~

2. Tolling under this section applies ~~[:~~

~~(a) Only to a claim that is not a complex matter.~~

~~(b) To]~~ *to* a third party regardless of whether the party is required to appear in the proceeding.

Sec. 33. NRS 40.613, 40.682, 40.6881 and 40.6883 are hereby repealed.

Sec. 34. The amendatory provisions of this act apply only to claim for a constructional defect that arises before, on or after August 1, 2003, unless the claimant:

1. Has commenced an action concerning the claim in accordance with NRS 40.600 to 40.695, inclusive, before August 1, 2003; or

2. Has given notice of the claim to the contractor, subcontractor, supplier or design professional pursuant to NRS 40.600 to 40.695, inclusive, before August 1, 2003, including notice on behalf of named and unnamed claimants.

Sec. 35. 1. This section and section 12 of this act become effective upon passage and approval for the purpose of adopting regulations and on August 1, 2003, for all other purposes.

2. Sections 1 to 11, inclusive, and 13 to 34, inclusive, of this act become effective on August 1, 2003.

LEADLINES OF REPEALED SECTIONS

40.613 "Complex matter" defined.

40.682 Complex matters: Written notice by claimant; procedural requirements; additional parties and third-party complaints; mediation; appointment of special master; limitation on certain pretrial procedures; pursuit of claim under warranty; written response by contractor.

40.6881 Definitions.

40.6883 "Design professional" defined.".

Amend the title of the bill to read as follows:

"AN ACT relating to real property; requiring notice, a right to inspect and a right to repair to be provided to a contractor before an action for constructional defects may be commenced; establishing the State Contractors' Board as a resource to answer questions and assist in resolving disputes concerning matters which may affect or relate to constructional defects; making various other changes concerning constructional defects; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning constructional defects. (BDR 3-156)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 436.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 729.

Amend sec. 2, page 2, line 3, by deleting "*Any*" and inserting: "*Except as otherwise provided by federal or state law, any*".

Amend sec. 23, page 12, line 41, by deleting "*or creditors*".

Amend the bill as a whole by deleting sec. 139 and adding:

"Sec. 139. (Deleted by amendment.)".

Amend sec. 140, page 75, by deleting line 26 and inserting:

"Sec. 140. Chapter 86 of NRS is hereby amended by adding thereto a new section to read as follows:

"Record" means information that is inscribed on a".

Amend the bill as a whole by deleting sections 141 and 142 and adding:

"Secs. 141 and 142. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 160 and adding:

"Sec. 160. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 174 through 176 and adding:

"Secs. 174-176. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 194 and adding:

"Sec. 194. (Deleted by amendment.)".

Amend sec. 262, pages 147 and 148, by deleting lines 44 and 45 on page 147 and lines 1 and 2 on page 148, and inserting:

"~~[3. If the board of county commissioners of a county has adopted an ordinance pursuant to NRS 602.035, a certificate filed pursuant to this section expires 5 years after it is filed with the county clerk.]~~".

Amend sec. 263, pages 148 and 149, by deleting lines 9 through 45 on page 148 and lines 1 through 5 on page 149, and inserting:

"(1) His full name;

(2) The street address of his residence or business; and

(3) If the mailing address is different from the street address, the mailing address of his residence or business;

(b) An artificial person required to make annual filings with the Secretary of State to retain its good standing ~~[, its]~~ *:*

(1) Its name as it appears in the records of the Secretary of State; *and*

(2) Its mailing address;

(c) A general partnership:

(1) The full name of each partner who is a natural person;

(2) The street address of the residence or business of each partner who is a natural person;

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; or

(d) A trust:

(1) The full name of each trustee of the trust;

(2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust.

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by him;

(2) In the case of an artificial person required to make annual filings with the Secretary of State to retain its good standing, by a person required to sign the annual filing;

(3) In the case of a general partnership, by each of the partners who is a natural person, and if one or more of the partners is an artificial person described in subparagraph (2), by an officer of the corporation or a person required to sign the annual filing; or

(4) In the case of a trust, by each of the trustees; and

(b) Notarized.".

Amend the bill as a whole by adding a new section designated sec. 263.5, following sec. 263, to read as follows:

"Sec. 263.5. NRS 602.035 is hereby amended to read as follows:

602.035 1. The board of county commissioners of a county may provide, by ordinance, that a certificate filed with the county clerk pursuant to NRS 602.010 expires 5 years after it is filed.

2. If such an ordinance is adopted, on or before the expiration of the certificate, the person doing business in the county under an assumed or fictitious name that does not indicate the real name of each person who owns an interest in the business must file a renewal certificate containing the information required by NRS 602.020 with the county clerk.

3. A renewal certificate filed pursuant to this section:

(a) Expires 5 years after it is filed with the county clerk.

(b) Must include a statement indicating that the renewal certificate expires 5 years after the date on which it is filed with the county clerk.

4. Upon the adoption of such an ordinance, the county clerk shall ~~[cause to be published in a newspaper of general circulation in the county notice that]~~ *notify* those persons who have filed certificates in the county pursuant to

NRS 602.010 *that they* are required to renew those certificates pursuant to the provisions of this section ~~[.]~~ *by:*

(a) Publishing such notice in a newspaper of general circulation in the county; and

(b) Mailing such notice to the last known address of those persons.".

Amend sec. 264, page 149, line 18, after "*mailing*" by inserting "*or street*".

Amend the bill as a whole by deleting sections 265 and 266 and adding:

"Secs. 265 and 266. (Deleted by amendment.)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 264.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 849.

Amend the bill as a whole by deleting sections 1 through 40, renumbering sec. 41 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 386.655 is hereby amended to read as follows:

386.655 1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the statewide automated system of information established pursuant to NRS 386.650, comply with the provisions of:

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) , ~~[and]~~ any other applicable federal law ~~[,]~~ *and the laws of this state,* a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district shall maintain within the statewide automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to

20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the school district in which the charter school is located such information as is necessary for the school district to carry out the provisions of this subsection, regardless of the sponsor of the charter school.

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which he attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

Sec. 2. NRS 388.5315 is hereby amended to read as follows:

388.5315 1. A denial of rights of a pupil with a disability pursuant to NRS 388.521 to 388.5315, inclusive, must be entered in the pupil's cumulative record and a confidential file maintained for that pupil. Notice of the denial must be provided to the board of trustees of the school district ~~[.]~~ *, the pupil's individualized education program team and the parent or guardian of the pupil. A law enforcement agency or district attorney may:*

(a) Upon request of a parent or guardian of a pupil, investigate the denial of rights of the pupil pursuant to NRS 388.521 to 388.5315, inclusive; and

(b) Upon consent of a parent or guardian of a pupil, receive a copy of the notice of denial of rights of the pupil.

2. If the board of trustees of a school district receives notice of a denial of rights pursuant to subsection 1, it shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the Department.

3. The Department:

(a) Shall receive reports made pursuant to subsection 2;

(b) May investigate apparent violations of the rights of pupils with disabilities; and

(c) May act to resolve disputes relating to apparent violations.".

Amend the bill as whole by deleting sections 42 through 67, renumbering sec. 68 as sec. 13 and adding new sections designated sections 4 through 12, following sec. 41, to read as follows:

"Sec. 4. NRS 392.029 is hereby amended to read as follows:

392.029 1. If a parent or legal guardian of a pupil requests the education records of the pupil, a public school shall comply with the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

2. If a parent or legal guardian of a pupil reviews the education records of the pupil and requests an amendment or other change to the education records, a public school shall comply with the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

3. ~~[Except as otherwise provided in 20 U.S.C. § 1232g(b), a]~~ *A* public school shall not release the education records of a pupil to a person, agency

or organization without the written consent of the parent or legal guardian of the pupil ~~[.]~~ *, except for a release of education records without consent:*

(a) To a juvenile probation officer, law enforcement officer or district attorney who is conducting an investigation of truancy pursuant to chapter 62 or 392 of NRS;

(b) To a juvenile probation officer, law enforcement officer or district attorney who is conducting an investigation of a threat pursuant to NRS 392.915;

(c) To a juvenile probation officer conducting a preliminary inquiry pursuant to NRS 62.128; or

(d) As otherwise authorized by 20 U.S.C. § 1232g(b).

Upon receipt of information pursuant to this subsection, a person receiving the information shall certify in writing to the public school that the information received will not be disclosed to any other person except as otherwise provided by state law without the prior consent of the parent or guardian of the pupil.

4. If a public school administers a program which includes a survey, analysis or evaluation that is designed to elicit the information described in 20 U.S.C. § 1232h, it must comply with the provisions of that section.

5. A right accorded to a parent or legal guardian of a pupil pursuant to the provisions of this section devolves upon the pupil on the date on which he attains the age of 18 years.

6. A public school shall, at least annually, provide to each pupil who is at least 18 years of age and to a parent or legal guardian of each pupil who is not at least 18 years of age, written notice of his rights pursuant to this section.

7. The provisions of this section:

(a) Are intended to ensure that each public school complies with the provisions of 20 U.S.C. §§ 1232g and 1232h;

(b) Must, to the extent possible, be construed in a manner that is consistent with 20 U.S.C. §§ 1232g and 1232h, and the regulations adopted pursuant thereto;

(c) Apply to a public school regardless of whether the school receives money from the Federal Government; and

(d) Do not impair any right, obligation or prohibition established pursuant to ~~[chapter]~~ *chapters 62 and* 432B of NRS.

8. The State Board may adopt such regulations as are necessary to ensure that public schools comply with the provisions of this section.

9. *A public school or an employee of a public school who, in good faith, releases or fails to release education records pursuant to subsection 3 is immune from civil or criminal liability for releasing or failing to release education records pursuant to subsection 3 unless the public school or employee of the public school acted with gross negligence.*

10. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

Sec. 5. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for a person knowingly to use or attempt to use a false or misleading educational credential in connection with any education, business, employment, occupation, profession, trade or public office.

2. For the purposes of this section, an educational credential is false or misleading if it:

(a) States or suggests that the person named in the credential has completed the requirements of an academic or professional program of study in a particular field of endeavor beyond the secondary school level and the person has not, in fact, completed the requirements of the program of study;

(b) Is offered as his own by a person other than the person who completed the requirements of the program of study; or

(c) Is given in violation of NRS 394.630.

Sec. 6. NRS 394.125 is hereby amended to read as follows:

394.125 It is the policy of this state to encourage and enable its ~~[citizens]~~ *residents* to receive an education commensurate with their respective talents and desires. The Legislature recognizes that privately owned institutions offering elementary, secondary and postsecondary education and vocational and professional instruction perform a necessary service to the ~~[citizens]~~ *residents* of this state. It is the purpose of this chapter to provide for the protection, education and welfare of the ~~[citizens]~~ *residents* of the State of Nevada, its educational, vocational and professional institutions, and its students, by:

1. Establishing minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility, to protect against substandard, transient, unethical, deceptive or fraudulent institutions and practices;

2. Prohibiting the granting *or use* of false or misleading educational credentials;

3. Regulating the use of academic terminology in naming or otherwise designating educational institutions;

4. Prohibiting misleading literature, advertising, solicitation or representation by educational institutions or their agents;

5. Providing for the preservation of essential academic records; and

6. Providing certain rights and remedies to the consuming public and the Commission and the Board necessary to effectuate the purposes of this chapter.

Sec. 7. NRS 394.620 is hereby amended to read as follows:

394.620 As used in NRS 394.620 to 394.670, inclusive ~~[:]~~ *, and section 5 of this act:*

1. "Degree" means any statement, diploma, certificate or other writing in any language which indicates or represents, or which is intended to indicate or represent, that the person named thereon is learned in or has satisfactorily completed the requirements of an academic or professional program of study in a particular field of endeavor beyond the secondary school level as a result of formal preparation or training.

2. "Honorary degree" means any statement, diploma, certificate or other writing in any language which indicates or represents, or which is intended to indicate or represent, that the person named thereon is learned in any field of public service or has performed outstanding public service or that the person named thereon has demonstrated proficiency in a field of endeavor without having completed formal courses of instruction or study or formal preparation or training.

Sec. 8. NRS 394.650 is hereby amended to read as follows:

394.650 Any person, *including, without limitation, any* firm, partnership, corporation, association or ~~[any]~~ other organization *,* which violates any ~~[of the provisions]~~ *provision* of NRS 394.620 to 394.640, inclusive, *and section 5 of this act,* is liable for a civil penalty not to exceed $2,500 for each violation, which ~~[shall]~~ *may* be recovered in a civil action ~~[.]~~*,* brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction. As used in this section, "each violation" includes, as a single violation, a continuous or repetitive violation arising out of the same act.

Sec. 9. NRS 394.660 is hereby amended to read as follows:

394.660 The Attorney General or any district attorney may bring an action in any court of competent jurisdiction, either as a part of any action brought pursuant to NRS 394.650 or as a separate action, to enjoin ~~[any]~~ *a* violation of ~~[the provisions]~~ *any provision* of NRS 394.620 to 394.640, inclusive ~~[.]~~ *, and section 5 of this act.*

Sec. 10. NRS 394.670 is hereby amended to read as follows:

394.670 Every person who violates any ~~[of the provisions]~~ *provision* of NRS 394.620 to 394.640, inclusive, *and section 5 of this act* is guilty of a gross misdemeanor. Each day's violation is a separate offense.

Sec. 11. Chapter 62 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A juvenile probation officer may inspect the education records of a child, including, without limitation, records of discipline maintained by a school, to conduct a preliminary inquiry pursuant to NRS 62.128 when a juvenile probation officer receives a complaint that the child:

(a) Has committed a delinquent offense; or

(b) Is in need of supervision.

2. Upon receipt of information pursuant to this section, a juvenile probation officer shall certify in writing to the school that the information received will not be disclosed to any other person except as otherwise

provided by state law without the prior written consent of the parent or guardian of the child.

3. As used in this section "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

Sec. 12. NRS 205.420 is hereby amended to read as follows:

205.420 Every person who ~~[shall conduct]~~ *conducts* any business or ~~[perform]~~ *performs* any act under color of, or ~~[file]~~ *files* for record with any public officer, any false or fraudulent permit, license ~~[, diploma]~~ or writing, or any permit, license ~~[, diploma]~~ or writing not lawfully belonging to ~~[such]~~ *that* person, or who ~~[shall obtain]~~ *obtains* any permit, license, diploma or writing by color or aid of any false representation, pretense, personation, token or writing, ~~[shall be]~~ *is* guilty of a gross misdemeanor.".

Amend sec. 68, page 8, by deleting lines 25 through 28 and inserting:

"Sec. 13. 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums for grants of money to school districts that adopt a program of enhanced compensation for certain teachers:

For the Fiscal Year 2003-2004 $9,000,000
For the Fiscal Year 2004-2005 $9,000,000".

Amend sec. 68, page 9, by deleting lines 25 through 28 and inserting:

"5. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the State General Fund as soon as all payments of money committed have been made.".

Amend the bill as a whole by deleting sections 69 through 72 and renumbering sections 73 and 74 as sections 14 and 15.

Amend sec. 74, page 10, by deleting lines 14 through 17 and inserting:

"Sec. 15. This act becomes effective on July 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT relating to education; providing for the release of certain records of pupils under certain circumstances; revising provisions governing the purchase of retirement credit by boards of trustees of school districts for certain teachers; prohibiting under certain circumstances the use or attempted use of a false or misleading educational credential; making an appropriation for school districts to provide programs of enhanced compensation; providing a penalty; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assemblyman Oceguera moved that Senate Bill No. 460 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Oceguera.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 66 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Oceguera.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 355 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Oceguera.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 471 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Oceguera.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 320 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Oceguera.

Motion carried.

Assemblyman Manendo moved that the action whereby Senate Amendment No. 847 to Senate Bill No. 112 was adopted be rescinded.

Motion carried.

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

Assembly in recess at 5:47 p.m.

ASSEMBLY IN SESSION

At 5:50 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Oceguera moved that Senate Bill No. 460 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 425 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 112.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 873.

Amend section 1, page 2, between lines 2 and 3, by inserting:

"*3. The Secretary of State shall adopt regulations to define "care, custody and control" for the purposes of subsection 1.*".

Amend sec. 2, page 3, by deleting lines 12 through 14 and inserting: "*check or other instrument:*

(1) A fee of $25; and

(2) If the check or other instrument that was returned had been presented for the payment of a filing fee for more than one entity, an additional fee in an amount equal to the actual cost incurred by the Office of the Secretary of State to perform the following actions as a result of the returned check or instrument:

(I) Reversing the status of the entities in the records of the Office of the Secretary of State; and

(II) Recouping any fees charged for services rendered by the Office of the Secretary of State to the entities, including, without limitation, fees charged for providing service pursuant to paragraph (d), providing copies or issuing certificates. The Secretary of State shall, by regulation, establish procedures for the imposition of the fees authorized by this paragraph and the manner in which a fee authorized by subparagraph (2) will be calculated.".

Amend the title of the bill, fourth line, after "State;" by inserting: "requiring the Secretary of State to adopt certain regulations;".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 425.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 872.

Amend the bill as a whole by adding an enacting clause, following the title, to read as follows:

"THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:".

Amend section 1, page 1, line 2, by deleting: "2, 3 and 3.5" and inserting: "2 to 3.7, inclusive,".

Amend sec. 3.5, page 2, line 10, by deleting "*Board;*" and inserting: "*Board or the board or other relevant authority of another state;*".

Amend sec. 3.5, page 2, line 16, by deleting "*Board;*" and inserting: "*Board or the board or other relevant authority of another state;*".

Amend the bill as a whole by adding a new section designated as sec. 3.7, following sec. 3.5, to read as follows:

"Sec. 3.7. *1. A pharmacist shall not refuse to fill or refill a prescription as written unless the pharmacist knows or has reasonable cause to believe that the prescription is:*

(a) Fraudulent;

(b) Issued contrary to law; or

(c) Contraindicated.

2. If a pharmacist refuses to dispense a prescription pursuant to paragraph (c) of subsection 1, the pharmacist shall consult with the prescribing practitioner as soon as practicable.

3. The provisions of this section do not:

(a) Require a pharmacist to stock a particular drug; or

(b) Prohibit a pharmacist from:

(1) Substituting a drug pursuant to NRS 639.2583; or

(2) Requiring payment for a drug in the normal course of business.".

Amend the bill as a whole by deleting sec. 7 and adding:

"Sec. 7. (Deleted by amendment.)".

Amend sec. 13, page 7, by deleting lines 27 and 28 and inserting: "intern pharmacist ~~[or supportive personnel]~~ *, pharmaceutical technician or pharmaceutical technician in training* or a license issued".

Amend sec. 14, page 7, by deleting lines 34 and 35 and inserting: "intern pharmacist ~~[or supportive personnel]~~ *, pharmaceutical technician or pharmaceutical technician in training* or a license issued".

Amend sec. 14, page 8, by deleting lines 2 and 3 and inserting: "intern pharmacist ~~[or supportive personnel]~~ *, pharmaceutical technician or pharmaceutical technician in training* or a license issued".

Amend sec. 16, page 9, by deleting line 16 and inserting: "~~[supportive personnel,]~~ *pharmaceutical technicians,* including".

Amend sec. 16, page 9, by deleting line 19 and inserting: "~~[supportive personnel;]~~ *pharmaceutical technicians;* and".

Amend sec. 16, page 9, by deleting line 21 and inserting: "~~[supportive personnel,]~~ *pharmaceutical technicians,*".

Amend sec. 20, page 11, between lines 24 and 25, by inserting: "~~[For the initial registration of supportive personnel 50~~

~~For the biennial renewal of registration of supportive personnel 50]~~".

Amend sec. 20, page 11, by deleting lines 31 through 33.

Amend sec. 21, page 12, by deleting lines 42 and 43 and inserting: "intern pharmacist ~~[or supportive personnel]~~ *, pharmaceutical technician or pharmaceutical technician in training* or a license issued".

Amend sec. 25, page 15, lines 27 and 28, by deleting "*intentional*".

Amend sec. 25, page 15, line 29, by deleting "*summary*".

Amend sec. 27, page 17, between lines 33 and 34, by inserting:

"*5. As used in this section, "peace officer" does not include:*

(a) A member of the Police Department of the University and Community College System of Nevada.

(b) A school police officer who is appointed or employed pursuant to NRS 391.100.".

Amend sec. 36, page 20, by deleting lines 35 through 37 and inserting: "registration as a pharmacist, ~~[an]~~ intern pharmacist ~~[or supportive personnel]~~ *, pharmaceutical technician or pharmaceutical technician in training* or a license issued pursuant to NRS 639.223, the Board".

Amend sec. 36, page 21, by deleting lines 2 and 3 and inserting: "pharmacist, ~~[an]~~ intern pharmacist ~~[or supportive personnel]~~ *, pharmaceutical technician or pharmaceutical technician in training* or a".

Amend the bill as a whole by deleting sections 38 and 39 and adding:

"Secs. 38 and 39. (Deleted by amendment.)".

Amend sec. 50, page 32, line 43, before "639.133," by inserting "639.0152,"

Amend the leadlines of repealed sections by adding the leadline of NRS 639.0152.

Amend the title of the bill to read as follows:

"AN ACT relating to pharmacy; prohibiting a pharmacist from refusing to fill or refill a prescription under certain circumstances; eliminating the provisions relating to the regulation of supportive personnel; increasing the fee for the biennial renewal of a license for a manufacturer or wholesaler; abolishing inactive licenses; revising provisions governing the sale and purchase of prescription drugs by a wholesaler; revising provisions governing a rehearing of the State Board of Pharmacy concerning a contest or appeal of a decision of the Board; repealing the requirement that a notice concerning the substitution of certain drugs be displayed in a pharmacy; authorizing persons enrolled in certain training programs to administer controlled substances and certain drugs and medicines; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Hardy.

Amendment adopted on a division of House.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 320.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 879.

Amend sec. 2, page 1, line 6, by deleting "*616D,*" and inserting "*617,*".

Amend sec. 3, page 1, line 8, by deleting "*If*" and inserting: "*The Commissioner may issue certificates authorizing qualified external review organizations to conduct external reviews for the purposes of chapters 616A to 617, inclusive, of NRS. If the Commissioner issues such certificates and*".

Amend sec. 3, page 1, line 10, by deleting "*616D,*" and inserting "*617,*".

Amend sec. 3, page 2, line 3, by deleting "*shall*" and inserting "*may*".

Amend sec. 3, page 2, line 5, by deleting "*The regulations*" and inserting: "*Any regulations adopted pursuant to this section*".

Amend sec. 5, page 4, line 10, by deleting "*shall*" and inserting "*may*".

Amend sec. 5, page 4, line 12, by deleting "*The regulations*" and inserting: "*Any regulations adopted pursuant to this section*".

Amend sec. 10, page 9, by deleting lines 8 through 24 and inserting: "authorization for payment has been denied, the appeals officer may ~~[refer]~~ *:*

(a) Refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an external review organization, submit the matter to an external review organization in accordance with section 5 of this act and any regulations adopted by the Commissioner.".

Amend the title, first line, by deleting "establishing" and inserting: "authorizing the establishment of".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Hardy.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 297, 418, and 441; Senate Bills Nos. 18, 19, 82, 136, 143, 146, 168, 179, 193, 231, 240, 262, 280, 288, 309, 312, 328, 329, 332, 351, 372, 386, 423, 449, 451, 452, 453, 459, 470, 475, 476, 478, 481, 482, 485, 486, 489, 490, 491, 493; Senate Joint Resolutions Nos. 3 and 4 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 192 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 881.

Amend sec. 2, page 2, line 15, by deleting "*drives a*" and inserting: "*drives:*

(a) A"

Amend sec. 2, page 2, by deleting line 17 and inserting: "*bus; or*

(b) A vehicle used by a transportation service for disabled persons if the person is certified as an emergency medical technician pursuant to chapter 450B of NRS.".

Amend sec. 5, page 2, by deleting line 28 and inserting: "*Authority:*

(a) A fee of $100 on July 1, 2003;

(b) A fee of $50 on January 1, 2004; and

(c) Beginning on July 1, 2004, and on July 1 of each year thereafter, a fee of not more than $200, for each motor vehicle".

Amend sec. 5, page 2, line 31, by deleting "*or*".

Amend sec. 5, page 2, line 32, by deleting "*car.*" and inserting: "*car; or*

(c) An operator of a transportation service for disabled persons with respect to those motor vehicles that are driven by persons who are certified as emergency medical technicians pursuant to chapter 450B of NRS.".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. *1. It is unlawful for any person to advertise services for which a certificate of public convenience and necessity or a contract carrier's permit is required pursuant to NRS 706.011 to 706.791, inclusive, and sections 2 to 11, inclusive, of this act, unless the person has been issued such a certificate or permit.*

2. If, after notice and a hearing, the Authority determines that a person has engaged in advertising in a manner that violates the provisions of this section, the Authority may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of NRS 706.011 to 706.791,

inclusive, and sections 2 to 11, inclusive, of this act, issue an order to the person to cease and desist the unlawful advertising and to:

(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or disconnect the paging services to such a beeper, and to inform the provider of paging services that the request is made pursuant to this section.

3. If a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that he receives an order pursuant to subsection 2, the Authority may request the Commission to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 2 within 5 days after the date he receives an order pursuant to subsection 2, the Authority may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

4. If the provider of paging services receives a request from a person pursuant to subsection 2 or a request from the Authority pursuant to subsection 3, it shall:

(a) Disconnect the paging service to the person; or

(b) Switch the beeper number of the paging service provided to the person.

If the provider of paging services elects to switch the number pursuant to paragraph (b), the provider shall not forward or offer to forward the paging calls from the previous number, or provide or offer to provide a recorded message that includes the new beeper number.

5. As used in this section:

(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "fully regulated carrier" with or without any limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.".

Amend sec. 6, page 3, line 4, by deleting "*that*" and inserting: "*that:*

(1) If the applicant is a resident of this state,".

Amend sec. 6, page 3, line 7, by deleting "*passengers.*" and inserting: "*passengers; and*

(2) If the applicant is a resident of a state other than Nevada and his residence is located within 50 miles of the boundary of this state, require proof that the applicant has a valid and appropriate license issued by his state of residence which authorizes the applicant to drive the vehicle that he will be driving in this state for the fully regulated carrier of passengers. The Authority may require such an applicant to provide proof satisfactory to the Authority that the applicant is a resident of a state other than Nevada and his residence is located within 50 miles of the boundary of this state.".

Amend sec. 9, page 4, line 44, by deleting "*state.*" and inserting: "*state or who holds a license to practice medicine issued by any other state.*".

Amend sec. 10, page 5, line 24, by deleting "*by this*" and inserting: "*by:*

(I) This".

Amend sec. 10, page 5, line 25, after "*inclusive;*" by inserting: "*or*

(II) If the person is a resident of a state other than Nevada and his residence is located within 50 miles of the boundary of this state, by the state in which the person is a resident;".

Amend sec. 16, pages 7 and 8, by deleting lines 36 through 44 on page 7 and line 1 on page 8, and inserting:

"2. Filing fees may not exceed:

(a) For applications, $200.

(b) For petitions seeking affirmative relief, $200.

(c) For each tariff page that requires public notice and is not attached to an application, $10. If more than one page is filed at one time, the total fee may not exceed the cost of notice and publication.

(d) For all other documents that require public".

Amend sec. 17, page 9, by deleting lines 12 through 25.

Amend sec. 21, page 11, by deleting lines 36 through 38 and inserting:

"(a) The applicant is *financially and operationally* fit, willing and able to perform the services of a common motor carrier ~~[,]~~ *and that the operation of, and the provision of such services by, the applicant as a common motor carrier will foster sound economic conditions within the applicable industry;*".

Amend sec. 21, page 11, line 43, by deleting "and" and inserting "~~[and]~~".

Amend sec. 21, page 12, line 2, after "benefit" by inserting: "*and protect the safety and convenience of*".

Amend sec. 21, page 12, line 3, by deleting "state." and inserting "state ~~[.]~~ *;*

(e) The proposed operation, or service under the proposed modification, will be provided on a continuous basis;

(f) The market identified by the applicant as the market which the applicant intends to serve will support the proposed operation or proposed modification; and

(g) The applicant has paid all fees and costs related to the application.".

Amend sec. 21, page 12, line 9, after "~~[An]~~" by inserting: "*In determining whether the applicant is fit to perform the services of a common motor*

carrier pursuant to paragraph (a) of subsection 2, the Authority shall consider whether the applicant has violated any provision of chapter 706 of NRS or any regulations adopted pursuant thereto.

5.".

Amend sec. 21, page 12, line 13, by deleting "~~[.]~~" and inserting "~~[.~~ *5.*~~]~~".

Amend sec. 21, page 12, line 17, by deleting "5." and inserting "*6.*".

Amend sec. 21, page 12, line 22, by deleting "6." and inserting "~~[6.]~~ *7.*".

Amend sec. 21, page 12, line 24, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend the title of the bill by deleting the seventh through twelfth lines and inserting: "such a permit; increasing certain filing fees; prohibiting persons who do not hold a certificate of public convenience and necessity or contract carrier's permit from advertising as a fully regulated carrier; authorizing the disconnection or switching of telephone, beeper and paging numbers included in such advertising; prohibiting discriminatory conduct".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning and Hardy.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 32.

The following Senate amendment was read:

Amendment No. 606.

Amend section 1, page 2, by deleting lines 12 and 13 and inserting:

"*4. "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.*".

Amend sec. 2, page 2, line 20, by deleting "*eligible customer,*" and inserting: "*provider of new electric resources,*".

Amend sec. 2, page 2, line 24, by deleting "*eligible customer,*" and inserting: "*provider of new electric resources,*".

Amend sec. 3, page 2, line 36, by deleting "*eligible customer*" and inserting: "*provider of new electric resources*".

Amend sec. 3, page 2, line 42, after "report" by inserting: "*, with respect to all applicable business transacted in this state,*".

Amend sec. 3, page 3, line 5, after "information" by inserting: "*with respect to applicable business transacted in this state*".

Amend sec. 4, page 3, line 17, by deleting "*eligible customer*" and inserting: "*provider of new electric resources*".

Amend sec. 4, page 3, line 18, after "state," by inserting: "*with respect to such business,*".

Amend sec. 5, page 3, line 43, by deleting "*eligible customer*" and inserting: "*provider of new electric resources*".

Amend sec. 6, page 4, line 39, by deleting "*eligible customer,*" and inserting: "*provider of new electric resources,*".

Amend sec. 6, page 4, line 41, by deleting "*eligible customer*" and inserting: "*provider of new electric resources*".

Amend the title of the bill by deleting the third through eleventh lines and inserting: "discretionary natural gas service and providers of new electric resources; requiring certain public utilities, alternative sellers, providers of discretionary natural gas service and providers of new electric resources to keep uniform and detailed accounts of all applicable business transacted in this state and to furnish an annual report to the Commission and affected governmental entities; imposing a civil penalty against an alternative seller, provider of discretionary natural gas service or provider of new electric resources who violates certain".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises certain provisions governing public utilities, alternative sellers, providers of discretionary natural gas service, providers of new electric resources and eligible customers. (BDR 58-626)".

Assemblyman Goldwater moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 32.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 419.

The following Senate amendment was read:

Amendment No. 708.

Amend section 1, page 2, between lines 35 and 36, by inserting:

"*(c) An offender in the course and scope of his employment in a work program directed by the warden, sheriff, administrator or other person responsible for administering a prison, jail or other detention facility.*

(d) A person performing work through a court-assigned restitution or community-service program.".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 419.

Remarks by Assemblyman Goldwater.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 498.

The following Senate amendment was read:

Amendment No. 605.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The landlord of a manufactured home park shall post in a conspicuous and readily accessible place in the community or recreational facility in the manufactured home park, at or near the entrance of the manufactured home park or in another common area in the manufactured home park, a legible and typewritten sign that contains the following contact information regarding the Division in substantially the following form:

TENANTS OF MANUFACTURED HOME PARKS ARE ENTITLED TO CERTAIN RIGHTS UNDER NEVADA REVISED STATUTES

To obtain information regarding your rights as a tenant under Nevada Revised Statutes, you may contact the Manufactured Housing Division of the Department of Business and Industry as follows:

SOUTHERN NEVADA:
(The address of the Division in Southern Nevada)
(The local telephone number of the Division in Southern Nevada)

NORTHERN NEVADA:
(The address of the Division in Northern Nevada)
(The local telephone number of the Division in Northern Nevada)

INTERNET:
(The Internet address of the Division)

2. The Division shall notify each landlord if any of the contact information regarding the Division changes. Not later than 30 days after receiving such a notice from the Division, the landlord shall replace the existing sign with a new sign that contains the new contact information regarding the Division.".

Amend the bill as a whole by renumbering sections 4 through 12 as sections 6 through 14 and adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. NRS 118B.070 is hereby amended to read as follows:

118B.070 *1.* The landlord shall provide:

~~[1.]~~ *(a)* Each new tenant with a *copy of the* current text of the provisions of this chapter with the rental agreement at the time the tenant signs the agreement.

~~[2.]~~ *(b)* Each tenant with a copy of each provision of this chapter which is added, amended or repealed within 90 days after the provisions become effective.

2. When the landlord provides a tenant with a copy of any of the provisions of this chapter pursuant to subsection 1, the copy must contain a legible and typewritten statement that contains the following contact information regarding the Division in substantially the following form:

TENANTS OF MANUFACTURED HOME PARKS ARE ENTITLED TO CERTAIN RIGHTS UNDER NEVADA REVISED STATUTES

To obtain information regarding your rights as a tenant under Nevada Revised Statutes, you may contact the Manufactured Housing Division of the Department of Business and Industry as follows:

SOUTHERN NEVADA:
(The address of the Division in Southern Nevada)
(The local telephone number of the Division in Southern Nevada)

NORTHERN NEVADA:
(The address of the Division in Northern Nevada)
(The local telephone number of the Division in Northern Nevada)

INTERNET:
(The Internet address of the Division)".

Assemblyman Goldwater moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 498.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Andonov, the privilege of the floor of the Assembly Chamber for this day was extended to Paula Tibesar, Paula Woods, Amanda Jevons, Nick Jevons, Adam Martinez, Luigi Pascua, Jordan Hagen, Bryan Miller, Jonathan Silbert, Joyce Woodhouse, Gary Waddell, Melissa Cipriano, Gene Sugano, and Roz Santangelo.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Aizley and Sari Aizley.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Miranda Mace, Ariane Steffan, Kim Deming, George Ullom, Shelia Gilchrist, Scott Siverhus, Don Newell, Sara Lavarna, Miriam Quintana, Leticia Quintana, Craig Van Tine, Dana Arce-Escobar, Joselin Chavarria, Victor Corona, Jackie De Los Santos, Juanita Diaz, Rogelio Fajardo, Araceli Flores, Oscar Garcia, Tania Gavia-Rosales, Danielle Jones, Fernando Magallenes, Edgar Martinez, Gustavo Nieves, Nayeli Palacios, Andrew Paredes, Karla Rodriguez, Rosa Rojas, Miriam Salgado, Amanda Smith, Daniel Valencia, Aurora Wilson, Nancy Ayala, Alejandro Barraza, Noe Castro, Wendy Chavez, Tania Davila, Rosendo De Loa, Jose Esparza, Rosalinda Espinoza, Erik Hernandez, Martha Jara, Brandon McFarling-Davis, Xavier Ortiz, GyanCarlo Parra,

Ana Riviera, Oscar Rodriguez, Raven Ruiz, Rodrigo Sierra-Bernal, Jonathan Blanco, Jose Chacon, Stephanie Cisneros, Benito Esparza, Jesus Lopez-Ruiz, Giselle Lozoya, Yesenia Martinez, Carla Medina, Nemisio Montano, Angel Ojeda, Alejandro Ortega, Nataly Riviera-Ortiz, Jose Rosales-Portill, Kenneth Spaight, Alejandra Vera, Jazmin Aragon, Ivette Ramos, Noemy Garcia, Elizabeth Guillen, Ashley Davidson, Jennifer Cerna, Perla Orozco, Terri Kinser, Karla Aranda, Gabriela Lara, Raymond Scarbo, Alvaro Mejia, Javier Rios, Edgar Rodarte, Edgar Martinez-Flores, Eric Cerritos, Francisco De La Cruz, Jhonatan Palacios, Andres Velasquez, Rodolfo Gonzalez, Alex Carrasco, Miguel Carrasco, Yaritza Carillo, Sergio Gutierrez, Rigo Hernandez, Juán Mardueño, John Morales, Miguel Pineda, Raul Rico, Alex Rivera, Yaritza Silva, Mike Roche, Juan Ortega, Valentino Cruz, Julieta Atilano, Isabel Rosales, Graciela Rodriguez, Adriana Rivera, Ashley Plaskett, Brittany Flores, Bridgette Olivo, Dylan Hansen, Jesus Calderon, Karen Dunas, Ignacio Mendoza, Nickole Whitworth, Gabriel Aguirre, Elizabeth Mendez, Chris Parmley, Luis Vargas, Daniel McDonald, Marybel Castrejon, Camerina Favela, Elizabeth Bodwell, Luzceli Castillo, Jassamine Chavez, Ramon Contreras, Shamel David, Jesus Flores, Jocelyn Jaime, Edgar Mata, Rodrigo Mendoza, Brittney Ortiz, Anthony Pintor, Genevieve Rendon, Alexis Reynosa, Steven Roche, Ariana Rodriguez, Perla Romero, Emmry Aguinaga, Brianda Carreon, Biridiana Cruz-Bernal, Ivan Lopez, Eduardo Guzman-Mota, Manuel Roman, Jacob Quintana, Jose De La Cruz, Robert Simmons, Ana Villazana, Destiny Nelson, Renelle Saul, Maria Topete, Jessica Nunez, Tania Regalado, and Andrea Ramon.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Rocio Aguilar-Bravo, Andres Avilez, Cassandra Ann Bates, John Cetina, Alejandro Chable, Efrain Delarosa, Rosa Garza, Arturo Garzon, Gloria Gaytan-Robles, Jennifer Jones, Leonardo Martinez, Robert Miller, Jorge Alberto Monzon, Pedro Morales, Irma Munoz, Ismael Munoz, Lancia Plummer, Sandra Ruiz, Houlihan Salazar, Michael Sanchez, Sergio Ariel Sandoval, Luis Santoni, Maria Teresa Schaerer, Maria Anastasia Sefchick, Patricia Arminda Silvestre, and Hortencia Vega.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, May 23, 2003, at 9:30 a.m.

Motion carried.

Assembly adjourned at 6:08 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 23, 2003

Assembly called to order at 9:52 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Reverend Bruce Henderson.

Somebody has well said that there are only two kinds of people in the world. There are those who wake up in the morning and say, "Good morning, Lord," and there are those who wake up and say, "Good Lord, it's morning!" Good morning, Lord. Please give us what we need today. May we have enough wisdom to make good decisions, enough trials to make us strong, enough sorrow to keep us humble, enough hope to make us happy, enough compassion to get along with each other, and enough faith to keep us looking to You. Good morning, Lord.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 548.
Bill read second time and ordered to third reading.

Assembly Bill No. 549.
Bill read second time and ordered to third reading.

Senate Bill No. 416.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 168 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 319 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Oceguera.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 884.

Amend the bill as a whole by deleting section 1, renumbering sections 2 through 10 as sections 12 through 20 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

"Section 1. Chapter 686A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Adverse action" means a denial or cancellation of, an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with any policy.*

Sec. 4. *"Affiliate" means any company that controls, is controlled by, or is under common control with another company.*

Sec. 5. *"Consumer credit report" means any written, oral or other communication of information by a consumer reporting agency bearing on the credit worthiness, credit standing or credit capacity of an applicant or policyholder, and which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor to determine:*

1. Whether to issue, cancel or renew a policy;

2. The amount of the premium for a policy; or

3. Eligibility for any plan for making payments with regard to a policy.

Sec. 6. *"Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer credit reports to third parties.*

Sec. 7. *"Credit information" means any information that is related to credit and derived from a consumer credit report, found on a consumer credit report or provided on an application for a policy. The term does not include information that is not related to credit, regardless of whether it is contained in a consumer credit report or in an application for a policy, or is used to calculate an insurance score.*

Sec. 8. *"Insurance score" means a number or rating that is derived from an algorithm, computer application, model or other process that is*

based in whole or in part on credit information for the purposes of predicting the future losses or exposure with regard to an applicant or policyholder.

Sec. 9. *The provisions of sections 2 to 11, inclusive, of this act do not apply to a contract of surety insurance issued pursuant to chapter 691B of NRS or any commercial or business policy.*

Sec. 10. *An insurer that uses information from a consumer credit report shall not:*

1. Use an insurance score that is calculated using income, gender, address, zip code, ethnic group, religion, marital status or nationality of the consumer as a factor, or would otherwise lead to unfair or invidious discrimination.

2. Deny, cancel or fail to renew a policy on the basis of credit information unless the insurer also considers other applicable underwriting factors that are independent of credit information and not expressly prohibited by this section.

3. Base renewal rates for a policy upon credit information unless the insurer also considers other applicable factors independent of credit information.

4. Take an adverse action against an applicant or policyholder based on the applicant or policyholder not having a credit card account unless the insurer also considers other applicable factors independent of credit information.

5. Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating a policy unless the insurer treats the applicant or policyholder as having neutral credit information, as defined by the insurer.

6. Take an adverse action against an applicant or policyholder based on credit information, unless an insurer obtains and uses a credit report issued or an insurance score calculated within 90 days from the date the policy is first written or renewal is issued.

7. Except as otherwise provided in this subsection, use credit information regarding a policyholder without obtaining an updated consumer credit report regarding the policyholder and recalculating the insurance score at least once every 36 months. An insurer does not need to obtain an updated consumer credit report for a policyholder if:

(a) The insurer is treating the policyholder as otherwise approved by the Commissioner.

(b) The policyholder is in the most favorably-priced tier of the insurer and all affiliates of the insurer.

(c) Credit information was not used for underwriting or rating the policyholder when the policy was initially written.

(d) The insurer reevaluates the policyholder at least once every 36 months based upon underwriting or rating factors other than credit information.

8. Use the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy:

(a) Credit inquiries not initiated by the applicant or policyholder, or inquiries requested by the applicant or policyholder for his or her own credit information.

(b) Inquiries relating to insurance coverage, if so identified on the consumer credit report.

(c) Collection accounts relating to medical treatment, if so identified on the consumer credit report.

(d) Multiple lender inquiries, if identified on the consumer credit report as being related to home loans or mortgages and made within 30 days of one another, unless only one inquiry is considered.

(e) Multiple lender inquiries, if identified on the consumer credit report as being related to a loan for an automobile and made within 30 days of one another, unless only one inquiry is considered.

(f) Any credit information that does not reflect the usual credit activity of the applicant or policyholder.

Sec. 11. *Before December 31 of each even-numbered year, the Commissioner shall prepare a report to the Governor and the Legislature. The report must address:*

1. The operation of sections 2 to 11, inclusive, of this act;

2. The efficacy, necessity and desirability of using credit information in making decisions related to insurance;

3. The impacts upon the residents of Nevada of the continued use of credit information in making decisions related to insurance; and

4. Any additional consumer protections identified by the Commissioner for the consideration of the Legislature.".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to insurance; restricting the use by an insurer of information included in the consumer credit report of an applicant or policyholder as a basis for making certain determinations and taking certain actions regarding policies of".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 356 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Senate Bill No. 168.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 883.

Amend sec. 6, page 6, line 28, by deleting "district court." and inserting: "~~[district court.]~~ *a court of competent jurisdiction.*".

Amend sec. 12, page 12, line 35, by deleting "district court." and inserting: "~~[district court.]~~ *a court of competent jurisdiction.*".

Amend the title of the bill, fifteenth line, after "circumstances;" by inserting: "revising provisions governing recovery of payments by the Division;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 264.

Bill read third time.

Roll call on Assembly Bill No. 264:

YEAS—34.

NAYS—Andonov, Angle, Brown, Gustavson, Mabey, Sherer, Weber—7.

EXCUSED—Mortenson.

Assembly Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 10:04 a.m.

ASSEMBLY IN SESSION

At 10:20 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 297.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 297:

YEAS—42.

NAYS—None.

Assembly Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.
Bill read third time.
Roll call on Assembly Bill No. 418:
YEAS—42.
NAYS—None.
Assembly Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 441.
Bill read third time.
Remarks by Assemblymen Horne and Geddes.
Roll call on Assembly Bill No. 441:
YEAS—42.
NAYS—None.
Assembly Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 18.
Bill read third time.
Remarks by Assemblyman Mortenson.
Roll call on Senate Bill No. 18:
YEAS—42.
NAYS—None.
Senate Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 19.
Bill read third time.
Roll call on Senate Bill No. 19:
YEAS—42.
NAYS—None.
Senate Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 46.
Bill read third time.
Roll call on Senate Bill No. 46:
YEAS—42.
NAYS—None.
Senate Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 55 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 76.

Bill read third time.

Roll call on Senate Bill No. 76:

YEAS—36.

NAYS—Buckley, Giunchigliani, Leslie, Manendo, Mortenson—5.

NOT VOTING—Angle.

Senate Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 82.

Bill read third time.

Remarks by Assemblywoman Angle.

Roll call on Senate Bill No. 82:

YEAS—42.

NAYS—None.

Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 100.

Bill read third time.

Remarks by Assemblyman Brown.

Roll call on Senate Bill No. 100:

YEAS—42.

NAYS—None.

Senate Bill No. 100 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 102.

Bill read third time.

Roll call on Senate Bill No. 102:

YEAS—32.

NAYS—Angle, Beers, Geddes, Goicoechea, Hardy, Hettrick, Knecht, Mabey, Sherer, Weber—10.

Senate Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Remarks by Assemblywoman Gibbons.

Roll call on Senate Bill No. 112:

YEAS—39.

NAYS—Angle, Goldwater, Gustavson—3.

Senate Bill No. 112 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 116.

Bill read third time.

Remarks by Assemblymen Chowning and Beers.

Roll call on Senate Bill No. 116:

YEAS—34.

NAYS—Atkinson, Brown, Buckley, Collins, Griffin, Gustavson, Knecht, Marvel—8.

Senate Bill No. 116 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 127.

Bill read third time.

Roll call on Senate Bill No. 127:

YEAS—42.

NAYS—None.

Senate Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 136 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 143.

Bill read third time.

Roll call on Senate Bill No. 143:

YEAS—42.

NAYS—None.

Senate Bill No. 143 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 146.

Bill read third time.

Roll call on Senate Bill No. 146:

YEAS—42.

NAYS—None.

Senate Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 192 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 147.

Bill read third time.

Roll call on Senate Bill No. 147:

YEAS—42.

NAYS—None.

Senate Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 179.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 179:

YEAS—42.

NAYS—None.

Senate Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 193.

Bill read third time.

Roll call on Senate Bill No. 193:

YEAS—42.

NAYS—None.

Senate Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 196.

Bill read third time.

Roll call on Senate Bill No. 196:

YEAS—42.

NAYS—None.

Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 229.
Bill read third time.
Remarks by Assemblyman Hardy.
Roll call on Senate Bill No. 229:
YEAS—42.
NAYS—None.
Senate Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 231.
Bill read third time.
Roll call on Senate Bill No. 231:
YEAS—42.
NAYS—None.
Senate Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 240 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 309 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 241.
Bill read third time.
Remarks by Assemblymen Anderson, Collins, and Carpenter.
Potential conflict of interest declared by Assemblyman Collins.
Roll call on Senate Bill No. 241:
YEAS—42.
NAYS—None.
Senate Bill No. 241 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 246.
Bill read third time.
Roll call on Senate Bill No. 246:
YEAS—42.
NAYS—None.
Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 247.

Bill read third time.

Roll call on Senate Bill No. 247:

YEAS—42.

NAYS—None.

Senate Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Roll call on Senate Bill No. 262:

YEAS—42.

NAYS—None.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Senate Bill No. 280 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 425 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 288.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Senate Bill No. 288:

YEAS—40.

NAYS—Angle, Gustavson—2.

Senate Bill No. 288 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 312.

Bill read third time.

Roll call on Senate Bill No. 312:

YEAS—27.

NAYS—Andonov, Beers, Brown, Geddes, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Mabey, Marvel, Sherer, Weber—15.

Senate Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 320.
Bill read third time.
Roll call on Senate Bill No. 320:
YEAS—42.
NAYS—None.
Senate Bill No. 320 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 345 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 345.
Bill read third time.
Roll call on Senate Bill No. 345:
YEAS—42.
NAYS—None.
Senate Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 328.
Bill read third time.
Roll call on Senate Bill No. 328:
YEAS—41.
NAYS—None.
NOT VOTING—Goldwater.
Senate Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 329.
Bill read third time.
Roll call on Senate Bill No. 329:
YEAS—42.
NAYS—None.
Senate Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 331.
Bill read third time.
Roll call on Senate Bill No. 331:
YEAS—42.
NAYS—None.

Senate Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 332.

Bill read third time.

Roll call on Senate Bill No. 332:

YEAS—42.

NAYS—None.

Senate Bill No. 332 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 336.

Bill read third time.

Roll call on Senate Bill No. 336:

YEAS—42.

NAYS—None.

Senate Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 384.

The following Senate amendment was read:

Amendment No. 718.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.".

Amend sec. 2, page 1, line 4, by deleting "*this chapter,*" and inserting: "*sections 2 to 12, inclusive, of this act,*".

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend sec. 4, page 1, line 10, by deleting "*6*" and inserting "*7*".

Amend the bill as a whole by deleting sections 5 and 6, renumbering sections 7 and 8 as sections 8 and 9, and adding new sections designated sections 4 through 7, following sec. 4, to read as follows:

"Sec. 4. *"Drug Use Review Board" means the Board established pursuant to 42 U.S.C. § 1396r-8(g)(3).*

Sec. 5. *1. The Department shall, by regulation, develop a list of preferred prescription drugs to be used for the Medicaid program.*

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs established

pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Atypical and typical antipsychotic medications that are prescribed for the treatment of a mental illness of a patient who is receiving services pursuant to Medicaid;

(b) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus or acquired immunodeficiency syndrome, including, without limitation, protease inhibitors and antiretroviral medications;

(c) Anticonvulsant medications;

(d) Antirejection medications for organ transplants;

(e) Antidiabetic medications;

(f) Antihemophilic medications; and

(g) Any prescription drug which the Committee identifies as appropriate for exclusion from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Committee makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Committee reviews the product or the evidence.

Sec. 6. *1. The Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.*

2. The Drug Use Review Board shall:

(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;

(b) Develop step therapy protocols and prior authorization policies and procedures for use by the Medicaid program for prescription drugs; and

(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.

3. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed for the Medicaid program pursuant to section 5 of this act.

4. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols and prior authorization policies and procedures used by the Medicaid program for prescription drugs.

Sec. 7. *1. The Director shall create a Pharmacy and Therapeutics Committee within the Department. The Committee must consist of at least 9 members and not more than 11 members appointed by the Governor based on recommendations from the Director.*

2. The Governor shall appoint to the Committee health care professionals who have knowledge and expertise in one or more of the following:

(a) The clinically appropriate prescribing of outpatient prescription drugs that are covered by Medicaid;

(b) The clinically appropriate dispensing and monitoring of outpatient prescription drugs that are covered by Medicaid;

(c) The review of, evaluation of and intervention in the use of prescription drugs; and

(d) Medical quality assurance.

3. At least one-third of the members of the Committee and not more than 51 percent of the members of the Committee must be active physicians licensed to practice medicine in this state, at least one of whom must be an active psychiatrist licensed to practice medicine in this state. At least one-third of the members of the Committee and not more than 51 percent of the members of the Committee must be either active pharmacists registered in this state or persons in this state with doctoral degrees in pharmacy.

4. A person must not be appointed to the Committee if he is employed by, compensated by in any manner, has a financial interest in, or is otherwise affiliated with a business or corporation that manufactures prescription drugs.".

Amend the bill as a whole by deleting sections 9 and 10 and adding a new section designated sec. 10, following sec. 8, to read as follows:

"Sec. 10. *1. The Department shall, by regulation, set forth the duties of the Committee which must include, without limitation:*

(a) Identifying the prescription drugs which should be included on the list of preferred prescription drugs developed by the Department for the Medicaid program pursuant to section 5 of this act and the prescription drugs which should be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs;

(b) Identifying classes of therapeutic prescription drugs for its review and performing a clinical analysis of each drug included in each class that is identified for review; and

(c) Reviewing at least annually all classes of therapeutic prescription drugs on the list of preferred prescription drugs developed by the Department for the Medicaid program pursuant to section 5 of this act.

2. The Department shall, by regulation, require the Committee to:

(a) Base its decisions on evidence of clinical efficacy and safety without consideration of the cost of the prescription drugs being considered by the Committee;

(b) Review new pharmaceutical products in as expeditious a manner as possible; and

(c) Consider new clinical evidence supporting the inclusion of an existing pharmaceutical product on the list of preferred prescription drugs developed by the Department for the Medicaid program and new clinical evidence supporting the exclusion of an existing pharmaceutical product from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs in as expeditious a manner as possible.

3. The Department shall, by regulation, authorize the Committee to:

(a) In carrying out its duties, exercise clinical judgment and analyze peer review articles, published studies, and other medical and scientific information; and

(b) Establish subcommittees to analyze specific issues that arise as the Committee carries out its duties.".

Amend sec. 11, page 4, lines 21 and 22, after "*Committee*" by inserting: "*and the Drug Use Review Board*".

Amend the bill as a whole by deleting sections 12 through 14 and renumbering sections 15 through 19 as sections 12 through 16.

Amend sec. 15, page 6, by deleting lines 7 through 10 and inserting:

"Sec. 12. *1. The Department may, to carry out its duties set forth in sections 2 to 12, inclusive, of this act and to administer the provisions of sections 2 to 12, inclusive, of this act:*

(a) Adopt regulations; and

(b) Enter into contracts for any services.

2. Any regulations adopted by the Department pursuant to sections 2 to 12, inclusive, of this act must be adopted in accordance with the provisions of chapter 241 of NRS.".

Amend sec. 16, page 6, by deleting line 27 and inserting: "inclusive, 422.001 to 422.410, inclusive, *and sections 2 to 12, inclusive, of this act,* 422.580, 432.010 to".

Amend sec. 16, page 6, by deleting line 29 and inserting: "445A.055, inclusive, and all".

Amend sec. 17, page 7, line 24, after "1." by inserting: "On or before January 1, 2004, adopt final regulations required to carry out the provisions of this act.

2.".

Amend sec. 17, page 7, line 27, by deleting "2." and inserting "3.".

Amend sec. 17, page 7, line 29, by deleting "1" and inserting "2".

Amend sec. 18, page 7, by deleting lines 35 through 41 and inserting: "Committee, so that the terms of the members are staggered, half of the members to serve initial terms of 1 year and the other half of the members to serve initial terms of 2 years.".

Amend sec. 18, page 7, line 44, after "Therapeutics Committee" by inserting: "and the Drug Use Review Board".

Amend sec. 19, page 8, by deleting line 3 and inserting:

"Sec. 16. This act becomes effective upon passage and approval for the purpose of adopting regulations by the Department of Human Resources and on July 1, 2003, for all other purposes.".

Amend the title of the bill to read as follows:

"AN ACT relating to public welfare; requiring the Department of Human Resources to develop a list of preferred prescription drugs to be used for the Medicaid program; requiring the Department to manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs; creating the Pharmacy and Therapeutics Committee within the Department; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning provision of prescription drugs pursuant to Medicaid program. (BDR 38-775)".

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 384.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 402.

The following Senate amendment was read:

Amendment No. 565.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 439A of NRS is hereby amended by adding thereto a new section to read as follows:

1. No person may operate or undertake any proposed expenditure for the operation of a new medical helicopter that will provide medical helicopter services in an area located within 150 miles from the base of an existing medical helicopter without first applying for and obtaining the written approval of the State Health Officer or the designee of the State Health Officer.

2. Except as otherwise provided in subsection 3, the State Health Officer or the designee of the State Health Officer may approve an application submitted pursuant to subsection 1 only if the applicant demonstrates that:

(a) Based on the needs of the specific population to be served by the new medical helicopter and on the projected number of persons who have or will

have a need for the proposed service, the population to be served has a need for the new medical helicopter;

(b) The existing medical helicopter services in the area to be served by the new medical helicopter cannot or will not meet the projected needs of the population to be served by the new medical helicopter;

(c) The applicant has the financial stability to provide medical helicopter services to the population to be served by the new medical helicopter for a significant period of time;

(d) The new medical helicopter will result in a significant savings in costs for users of and payors for medical helicopter services;

(e) The new medical helicopter will not have an adverse effect on the quality of care provided to users of medical helicopter services and will not have an unnecessarily negative effect on the cost of medical helicopter services for users of or payors for such services; and

(f) The approval of the application will not adversely affect an existing provider of medical helicopter services.

3. The State Health Officer or the designee of the State Health Officer shall not approve an application submitted pursuant to subsection 1 if:

(a) The applicant fails to provide sufficient, relevant, demonstrative evidence for the approval of the application; or

(b) The evidence opposing the application outweighs the evidence supporting the application.

4. In determining whether to approve an application submitted pursuant to subsection 1, the State Health Officer or the designee of the State Health Officer shall:

(a) Contact existing providers of medical helicopter services, ensure that existing providers of medical helicopter services have an opportunity to participate in any public hearing concerning the application, and seek the input of existing providers of medical helicopter services concerning the application; and

(b) Consider:

(1) The level of medical care to be provided by the applicant to the population to be served by the new medical helicopter;

(2) The impact of the new medical helicopter on the rates, quality of service and safety of existing providers of medical helicopter services and on the level of medical care provided by such providers;

(3) The effect of the new medical helicopter on the cost of health care services; and

(4) Any other information the State Health Officer or the designee of the State Health Officer deems relevant.

5. An applicant whose application is rejected pursuant to this section may appeal the decision of the State Health Officer or the designee of the State Health Officer to the State Board of Health. The decision of the State Board of Health is a final decision for the purposes of judicial review.

6. As used in this section, "medical helicopter" means a helicopter especially designed, constructed, modified or equipped to be used for the transportation of injured or sick persons. The term does not include any commercial helicopter carrying passengers on regularly scheduled flights.".

Amend sec. 2, page 3, line 5, by deleting "1.".

Amend sec. 2, page 3, line 10, after "of" by inserting "section 2 of".

Amend sec. 2, page 3, by deleting lines 11 through 15.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. The provisions of section 1 of this act apply retroactively to each medical helicopter that did not provide medical helicopter services on or before December 31, 2002.".

Amend sec. 3, page 3, line 16, by deleting: "This act becomes" and inserting:

"1. This section and sections 1 and 4 of this act become effective upon passage and approval.

2. Sections 2 and 3 of this act become".

Amend the title of the bill, first line, after "care;" by inserting: "requiring a person to obtain the approval of the State Health Officer before operating a new medical helicopter under certain circumstances;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning approval of certain medical helicopters and certain health facilities. (BDR 40-816)".

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 402.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley moved that the Assembly recess until 2:00 p.m.

Motion carried.

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 2:39 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Brown moved that Assembly Bill No. 534 be taken from the Chief Clerk's desk and placed at the top of the General File.
Remarks by Assemblyman Brown.
Motion carried.

Assemblyman Brown moved that Senate Bill No. 491 be taken from its position on the General File and placed at the top of the General File.
Remarks by Assemblyman Brown.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 491.
Bill read third time.
The following amendment was proposed by Assemblyman Brown:
Amendment No. 890.
Amend section 1, page 2, by deleting lines 18 through 21 and inserting:
"*(b) Indicates the subcontractor does not meet the criteria established by regulation*".
Assemblyman Brown moved the adoption of the amendment.
Remarks by Assemblyman Brown.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 534.
Bill read third time.
The following amendment was proposed by Assemblyman Brown:
Amendment No. 891.
Amend sec. 4, page 2, line 10, by deleting "*gross*".
Amend sec. 4, page 2, line 11, by deleting "*193.140.*" and inserting "*193.150.*".
Amend sec. 4, page 2, line 17, by deleting "*$10,000*" and inserting "*$1,000*".
Assemblyman Brown moved the adoption of the amendment.
Remarks by Assemblyman Brown.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 351 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 354.

Bill read third time.

Remarks by Assemblyman Collins.

Potential conflict of interest declared by Assemblyman Collins.

Roll call on Senate Bill No. 354:

YEAS—42.

NAYS—None.

Senate Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 372.

Bill read third time.

Roll call on Senate Bill No. 372:

YEAS—41.

NAYS—Collins.

Senate Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 386.

Bill read third time.

Roll call on Senate Bill No. 386:

YEAS—42.

NAYS—None.

Senate Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 413.

Bill read third time.

Roll call on Senate Bill No. 413:

YEAS—42.

NAYS—None.

Senate Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 423.

Bill read third time.

Roll call on Senate Bill No. 423:

YEAS—42.
NAYS—None.
Senate Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 174 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 460 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 426.
Bill read third time.
Roll call on Senate Bill No. 426:
YEAS—41.
NAYS—None.
NOT VOTING—Goldwater.
Senate Bill No. 426 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 436.
Bill read third time.
Roll call on Senate Bill No. 436:
YEAS—42.
NAYS—None.
Senate Bill No. 436 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 444.
Bill read third time.
Remarks by Assemblyman Christensen.
Roll call on Senate Bill No. 444:
YEAS—40.
NAYS—Claborn, Parks—2.
Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 449.
Bill read third time.
Roll call on Senate Bill No. 449:

YEAS—42.
NAYS—None.
Senate Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 451.
Bill read third time.
Roll call on Senate Bill No. 451:
YEAS—40.
NAYS—Angle, Gustavson—2.
Senate Bill No. 451 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 168 just returned from the printer, be placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 168.
Bill read third time.
Roll call on Senate Bill No. 168:
YEAS—42.
NAYS—None.
Senate Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 452.
Bill read third time.
Roll call on Senate Bill No. 452:
YEAS—42.
NAYS—None.
Senate Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 453.
Bill read third time.
Roll call on Senate Bill No. 453:
YEAS—42.
NAYS—None.
Senate Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 459.

Bill read third time.

Roll call on Senate Bill No. 459:

YEAS—42.

NAYS—None.

Senate Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 470.

Bill read third time.

Roll call on Senate Bill No. 470:

YEAS—42.

NAYS—None.

Senate Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 425 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 425.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 899.

Amend section 1, page 2, line 2, by deleting: "2 to 3.7, inclusive," and inserting: "2, 3 and 3.5".

Amend sec. 3.5, page 2, by deleting line 25 and inserting "*Board;*".

Amend the bill as a whole by deleting sec. 3.7.

Amend the title of the bill, first through third lines, by deleting: "prohibiting a pharmacist from refusing to fill or refill a prescription under certain circumstances;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 475.

Bill read third time.

Roll call on Senate Bill No. 475:

YEAS—42.

NAYS—None.

Senate Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 476.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 476:

YEAS—41.

NAYS—Angle.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 478.

Bill read third time.

Roll call on Senate Bill No. 478:

YEAS—42.

NAYS—None.

Senate Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 3:09 p.m.

ASSEMBLY IN SESSION

At 3:15 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 481.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 481:

YEAS—42.

NAYS—None.

Senate Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 482.

Bill read third time.

Roll call on Senate Bill No. 482:

YEAS—42.

NAYS—None.

Senate Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 485.

Bill read third time.

Roll call on Senate Bill No. 485:

YEAS—39.

NAYS—Angle, Carpenter, Gustavson—3.

Senate Bill No. 485 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 486.

Bill read third time.

Roll call on Senate Bill No. 486:

YEAS—42.

NAYS—None.

Senate Bill No. 486 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 489.

Bill read third time.

Remarks by Assemblymen Goldwater and Parks.

Roll call on Senate Bill No. 489:

YEAS—22.

NAYS—Anderson, Andonov, Atkinson, Brown, Buckley, Carpenter, Christensen, Claborn, Conklin, Giunchigliani, Goldwater, Horne, Knecht, Koivisto, Leslie, Manendo, Oceguera, Ohrenschall, Perkins, Williams—20.

Senate Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 490.

Bill read third time.

Roll call on Senate Bill No. 490:

YEAS—42.

NAYS—None.

Senate Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 493.

Bill read third time.

Roll call on Senate Bill No. 493:

YEAS—42.

NAYS—None.

Senate Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 356 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 356.

Bill read third time.

The following amendment was proposed by Assemblywoman Chowning:

Amendment No. 892.

Amend section 1, pages 1 and 2, by deleting lines 14 through 17 on page 1 and lines 1 through 9 on page 2, and inserting:

"*3. A person who violates this section:*

(a) If no property damage and no bodily injury or death results from the violation, shall, except as otherwise provided in subsection 4, be punished by a fine not to exceed $100.

(b) If property damage results from the violation but no bodily injury or death results from the violation, is guilty of a public offense proportionate to the value of the property damaged or destroyed as set forth in NRS 193.155.

(c) If bodily injury not including death results from the violation, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) If death results from the violation, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. With respect only to a violation of this section that results in no property damage, no bodily injury and no death, as described in paragraph (a) of subsection 3, a person who commits such a violation shall not be punished for the violation unless the person committed the violation while driving, moving or operating a commercial motor vehicle.

5. As used in this section, "commercial motor vehicle" means a motor vehicle used primarily for the transportation of goods, materials or property in furtherance of commercial enterprise.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "and providing other matters".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Carpenter, Brown, Buckley, Collins, and Knecht.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Senate Bill No. 356 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

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

Assembly in recess at 3:38 p.m.

ASSEMBLY IN SESSION

At 3:43 p.m.

Mr. Speaker presiding.

Quorum present.

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

Assembly in recess at 3:44 p.m.

ASSEMBLY IN SESSION

At 7:00 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 97, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that all rules be suspended and that Senate Bill No. 97 just reported out of committee be declared an emergency measure under the Constitution and placed at the top of the General File.

Motion carried unanimously.

Assemblyman Oceguera moved that Assembly Bill No. 534 and Senate Bills Nos. 425 and 491 just returned from the printer, be placed on the General File.

Motion carried.

Assemblyman Oceguera moved that all rules be suspended and that Senate Bill No. 319 be declared an emergency measure under the Constitution and placed at the top of the General File.

Motion carried unanimously.

Assemblyman Goldwater moved that Senate Bill No. 370 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

NOTICE OF WAIVER

A Waiver requested by Speaker Perkins
For: Assembly Bill No. 417.
To Waive:
Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above)
Has been granted effective: May 23, 2003.

WILLIAM J. RAGGIO	RICHARD D. PERKINS
Senate Majority Leader	*Speaker of the Assembly*

A Waiver requested by Senator Raggio and Speaker Perkins
For: Senate Bill No. 66.
To Waive:
Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above)
Has been granted effective: May 23, 2003.

WILLIAM J. RAGGIO	RICHARD D. PERKINS
Senate Majority Leader	*Speaker of the Assembly*

A Waiver requested by Senator Raggio and Speaker Perkins
For: Senate Bill No. 355.
To Waive:
Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above)
Has been granted effective: May 23, 2003.

WILLIAM J. RAGGIO	RICHARD D. PERKINS
Senate Majority Leader	*Speaker of the Assembly*

A Waiver requested by Senator Raggio and Speaker Perkins
For: Senate Bill No. 471.
To Waive:
Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above)
Has been granted effective: May 23, 2003.

WILLIAM J. RAGGIO	RICHARD D. PERKINS
Senate Majority Leader	*Speaker of the Assembly*

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

Assembly in recess at 7:05 p.m.

ASSEMBLY IN SESSION

At 7:07 p.m.
Mr. Speaker presiding.
Quorum present.

Senate Bill No. 370.

Bill read third time.

The following amendment was proposed by Assemblyman Goldwater:

Amendment No. 901.

Amend the bill as a whole by renumbering sections 1 through 16 as sections 3 through 18 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall account separately for all money received pursuant to subsection 3 of NRS 482.181 and shall administer that account pursuant to the provisions of this section. If the balance in the account that has not been committed for expenditure exceeds $300,000 at the end of any fiscal year, the uncommitted amount that exceeds the threshold must be reverted to the counties of origin on a pro rata basis.

2. A county whose population is less than 100,000 in which a tax has been imposed pursuant to section 3 of this act at the maximum amount allowed by law may apply to the Department for a distribution from the account. The total of all distributions in any fiscal year to one county must not exceed the sum obtained by subtracting the amount of the proceeds of the tax imposed pursuant to section 3 of this act for that fiscal year from the amount received by the county from the proceeds of the basic governmental services tax for the fiscal year ending on June 30, 2003.

3. In administering the account, the Department shall adopt by regulation a procedure for making the distributions required by subsection 2. The procedure must ensure that for any fiscal year in which the balance in the account is not sufficient to make distributions to all counties for the maximum amount allowed by law, each county receives a distribution, if requested, of a percentage of the total amount requested by that county that is equal to the percentage of the money requested by all other counties to which distributions are made.

Sec. 2. NRS 371.040 is hereby amended to read as follows:

371.040 The annual amount of the basic governmental services tax throughout the State is ~~[4]~~ *3* cents on each $1 of valuation of the vehicle as determined by the Department.".

Amend section 1, page 1, by deleting lines 4 through 6 and inserting: "*property, the board of county commissioners of each county may impose a tax at the rate of up to $1.20 for each $500 of value, or fraction thereof, on each deed*".

Amend section 1, page 2, by deleting lines 5 through 8 and inserting: "*provided in NRS 375.030.*".

Amend sec. 3, page 2, lines 33, 38 and 40, by deleting "*1*" and inserting "*3*".

Amend sec. 5, page 4, line 14, by deleting "*1*" and inserting "*3*".

Amend sec. 15, page 10, line 9, by deleting "*1*" and inserting "*3*".

Amend sec. 16, page 10, line 31, by deleting "*1*" and inserting "*3*".

Amend the bill as a whole by deleting sec. 17, renumbering sec. 18 as sec. 20 and adding a new section designated sec. 19, following sec. 16, to read as follows:

"Sec. 19. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection ~~[5,]~~ *6,* after deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180, the Department shall certify monthly to the State Board of Examiners the amount of the basic and supplemental governmental services taxes collected for each county by the Department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental governmental services tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.045 and 371.047.

3. ~~[The]~~ *Before making any distribution of the basic governmental services tax pursuant to subsections 4 and 5, 10 percent of the amount of that tax received or collected for each county must be deposited into a separate account in the State General Fund for distribution by the Department of Taxation as provided in section 1 of this act.*

4. After making the distribution set forth in subsection 3, the distribution of the basic governmental services tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if, in any fiscal year, the sum of the rate attributable to a district's debt service in that fiscal year and any rate levied for capital projects pursuant to NRS 387.3285 in that fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

~~[4.]~~ *5.* After making the distributions set forth in ~~[subsection 3,]~~ *subsections 3 and 4,* the remaining money received or collected for each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

~~[5.]~~ *6.* An amount equal to any basic governmental services tax distributed to a redevelopment agency in the fiscal year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

~~[6.]~~ *7.* The Department shall make distributions of the basic governmental services tax directly to county school districts.

~~[7.]~~ *8.* As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Received or collected for each county" means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City	1.07 percent	Lincoln	3.12 percent
Churchill	5.21 percent	Lyon	2.90 percent
Clark	22.54 percent	Mineral	2.40 percent
Douglas	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing	7.00 percent
Esmeralda	2.52 percent	Storey	.19 percent
Eureka	3.10 percent	Washoe	12.24 percent
Humboldt	8.25 percent	White Pine	5.66 percent
Lander	3.88 percent		

(2) For all other basic and supplemental governmental services tax received or collected by the Department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) "Special district" has the meaning ascribed to it in NRS 360.650.".

Amend sec. 18, page 12, by deleting line 13 and inserting:

"Sec. 20. This act becomes effective on January 1, 2004.".

Amend the title of the bill to read as follows:

"AN ACT relating to taxation; reducing the rate of the basic governmental services tax; authorizing each board of county commissioners to impose an additional tax on the transfer of real property; authorizing the distribution of a portion of the proceeds of the basic governmental services tax to reimburse certain counties for a reduction in revenue; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Reduces rate of basic governmental services tax and authorizes counties to impose additional tax on transfer of real property. (BDR 32-39)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater, Hettrick, and Goicoechea.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 97.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 774.

Amend the bill as a whole by deleting sections 1 through 12 and the text of repealed sections and adding new sections designated sections 1 through 47 and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. This act may be cited as the "Keep Quality Medical Care in Nevada Act."

Sec. 1.5. The Legislature hereby finds and declares that:

1. The 18th Special Session of the Nevada Legislature was held in 2002 to address the State's emerging medical malpractice crisis.

2. The Nevada Legislature recognized that the difficulty experienced in this state in attracting and maintaining a sufficient network of physicians to meet the needs of the residents of this state posed a serious threat to the health, welfare and safety of those residents.

3. The Nevada Legislature unanimously approved broad tort reforms during the 18th Special Session to provide stability and predictability to Nevada's civil justice system and insurance market while protecting the legal remedies available to injured patients.

4. The reforms passed by the Nevada Legislature during the 18th Special Session included:

(a) A $350,000 limitation on the amount that may be awarded for noneconomic damages in a medical malpractice action, which was carefully crafted to limit a physician's liability and provide compensation to an injured patient;

(b) A $50,000 limitation on the amount of damages that may be awarded in a medical malpractice action for emergency care received in hospitals;

(c) Immunity from liability for certain providers of health care who provide treatment gratuitously at a health care facility of a governmental entity or nonprofit organization;

(d) Protection of the right to consider collateral sources of payment to a patient and to elect to receive future damages awarded in periodic payments;

(e) Several liability for noneconomic damages awarded in an action for medical malpractice so that a physician is only liable for such damages in an amount equal to the percentage of negligence attributable to him;

(f) Increasing the efficiency of the civil justice system by providing a shorter period within which to commence a medical malpractice action, making changes concerning pretrial settlement conferences and requiring

certain district judges to receive certain training concerning medical malpractice actions;

(g) Stricter requirements concerning reporting information concerning medical malpractice to state licensing boards; and

(h) Requiring the reporting of medical errors and protecting "whistle blowers" who report medical errors or potential medical malpractice.

5. The Nevada Legislature responded to the crisis in 2002 and proposes the additional protections to consumers of medical care in this state as set forth in this act.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If, within the immediately preceding 7 years, a physician has made three reports or has had three reports made concerning him pursuant to NRS 630.3067, a committee designated by the Board and consisting of members of the Board shall review the reports and conduct an investigation to determine whether it is necessary or appropriate to initiate disciplinary action pursuant to this chapter against the physician.

2. If, after conducting the investigation, the committee determines that it is necessary or appropriate to initiate disciplinary action pursuant to this chapter against the physician, the committee shall file a formal complaint with the Board.

Sec. 3. NRS 630.3067 is hereby amended to read as follows:

630.3067 1. The insurer of a physician licensed under this chapter and the physician ~~[must]~~ *shall* report to the Board ~~[any action filed or claim]~~ *:*

(a) Any action for malpractice filed against the physician not later than 45 days after the physician receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the physician that is submitted to arbitration or mediation ~~[for malpractice or negligence against the physician and the]~~ *not later than 45 days after the claim is submitted to arbitration or mediation; and*

(c) Any settlement, award, judgment or other disposition of ~~[the]~~ *any* action or claim ~~[within 30 days after:~~

~~(a) The action was filed or the claim was submitted to arbitration or mediation; and~~

~~(b) The disposition of the action or claim.]~~ *described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.*

2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this state to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than $10,000 against the insurer for each such failure to report. If the

administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

Sec. 4. NRS 630.339 is hereby amended to read as follows:

630.339 1. If a committee designated by the Board to conduct an investigation of a complaint *or conduct an investigation pursuant to section 2 of this act* decides to proceed with disciplinary action, it shall bring charges against the licensee. If charges are brought, the Board shall fix a time and place for a formal hearing. If the Board receives a report pursuant to subsection 5 of NRS 228.420, such a hearing must be held within 30 days after receiving the report. The Board shall notify the licensee of the charges brought against him, the time and place set for the hearing, and the possible sanctions authorized in NRS 630.352.

2. The Board, a hearing officer or a panel of its members designated by the Board shall hold the formal hearing on the charges at the time and place designated in the notification. If the hearing is before a panel, at least one member of the Board who is not a physician must participate in this hearing.

Sec. 5. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the Board, except for an advisory member serving on a panel of the Board hearing charges, may participate in the final order of the Board. If the Board, after a formal hearing, determines from a preponderance of the evidence that a violation of the provisions of this chapter or of the regulations of the Board has occurred, it shall issue and serve on the physician charged an order, in writing, containing its findings and any sanctions.

2. If the Board determines that no violation has occurred, it shall dismiss the charges, in writing, and notify the physician that the charges have been dismissed. If the disciplinary proceedings were instituted against the physician as a result of a complaint filed against him, the Board may provide the physician with a copy of the complaint.

3. Except as otherwise provided in ~~[subsection 4,]~~ *subsections 4 and 5,* if the Board finds that a violation has occurred, it may by order:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer to him a public reprimand;

(c) Limit his practice or exclude one or more specified branches of medicine from his practice;

(d) Suspend his license for a specified period or until further order of the Board;

(e) Revoke his license to practice medicine;

(f) Require him to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of his practice;

(h) Impose a fine not to exceed $5,000;

(i) Require him to perform community service without compensation;

(j) Require him to take a physical or mental examination or an examination testing his competence;

(k) Require him to fulfill certain training or educational requirements; and

(l) Require him to pay all costs incurred by the Board relating to his disciplinary proceedings.

4. If the Board finds that the physician has violated the provisions of NRS 439B.425, the Board shall suspend his license for a specified period or until further order of the Board.

5. If the Board finds that the physician is not competent to practice medicine, the Board shall revoke his license.

Sec. 6. NRS 630.356 is hereby amended to read as follows:

630.356 1. Any person aggrieved by a final order of the Board is entitled to judicial review of the Board's order.

2. Every order that imposes a sanction against a licensee pursuant to subsection 3 , ~~[or]~~ 4 *or 5* of NRS 630.352 or any regulation of the Board is effective from the date the Secretary-Treasurer certifies the order until the date the order is modified or reversed by a final judgment of the court. The court shall not stay the order of the Board pending a final determination by the court.

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

Sec. 7. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If, within the immediately preceding 7 years, an osteopathic physician has made three reports or has had three reports made concerning him pursuant to NRS 633.526, the Board shall designate a member of the Board to review the reports and conduct an investigation to determine whether it is necessary or appropriate to initiate disciplinary action pursuant to this chapter against the osteopathic physician.

2. If, after conducting the investigation, the member determines that it is necessary or appropriate to initiate disciplinary action pursuant to this chapter against the osteopathic physician, the member shall file a formal complaint with the Board.

Sec. 8. NRS 633.526 is hereby amended to read as follows:

633.526 1. The insurer of an osteopathic physician licensed under this chapter and the osteopathic physician ~~[must]~~ *shall* report to the Board ~~[any action filed or claim]~~ *:*

(a) Any action for malpractice filed against the osteopathic physician not later than 45 days after the osteopathic physician receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the osteopathic physician that is submitted to arbitration or mediation ~~[for malpractice or negligence against the osteopathic physician and the]~~ *not later than 45 days after the claim is submitted to arbitration or mediation; and*

(c) Any settlement, award, judgment or other disposition of ~~[the]~~ *any* action or claim ~~[within 30 days after:~~

~~(a) The action was filed or the claim was submitted to arbitration or mediation; and~~

~~(b) The disposition of the action or claim.]~~ *described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.*

2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this state to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than $10,000 against the insurer for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

Sec. 9. NRS 633.621 is hereby amended to read as follows:

633.621 If a formal complaint is filed with the Board pursuant to NRS 633.541 ~~[,]~~ *or section 7 of this act,* the Secretary of the Board shall fix a time and place for a hearing and cause a notice of the hearing and a formal complaint to be served on the person charged at least 20 days before the date fixed for the hearing. If the Board receives a formal complaint concerning subsection 5 of NRS 228.420, such a hearing must be held within 30 days after receiving the formal complaint.

Sec. 10. NRS 633.651 is hereby amended to read as follows:

633.651 1. The person charged in a formal complaint is entitled to a hearing before the Board, but the failure of the person charged to attend his hearing or his failure to defend himself must not delay or void the proceedings. The Board may, for good cause shown, continue any hearing from time to time.

2. ~~[If]~~ *Except as otherwise provided in subsection 3, if* the Board finds the person guilty as charged in the formal complaint, it may by order:

(a) Place the person on probation for a specified period or until further order of the Board.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine.

(d) Suspend the license of the person to practice osteopathic medicine for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice osteopathic medicine.

The order of the Board may contain such other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law.

3. If the Board finds that the osteopathic physician is not competent to practice osteopathic medicine, the Board shall revoke his license.

Sec. 11. Chapter 41A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 33, inclusive, of this act.

Sec. 12. *As used in sections 12 to 32, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 13, 14 and 15 of this act have the meanings ascribed to them in those sections.*

Sec. 13. *"Dentist" means a person licensed to practice dentistry or any special branch of dentistry pursuant to chapter 631 of NRS.*

Sec. 14. *"Division" means the Division of Insurance of the Department of Business and Industry.*

Sec. 15. *"Health care records" means any written reports, notes, orders, photographs, X-rays or other written record received or produced by a provider of health care, or any person employed by him, which contains information relating to the medical or dental history, examination, diagnosis or treatment of the patient.*

Sec. 16. *1. No cause of action involving medical malpractice or dental malpractice may be filed until the medical malpractice or dental malpractice case has been submitted to an appropriate screening panel and a determination has been made by such a panel as provided in sections 12 to 32, inclusive, of this act, and any action filed without satisfying the requirements of those sections is subject to dismissal without prejudice for failure to comply with this section.*

2. Except as otherwise provided in subsection 3, the written findings of the screening panel are admissible in any action concerning that claim which is subsequently filed in district court. No other evidence concerning the screening panel or its deliberations is admissible, and no member of the screening panel may be called to testify in any such action.

3. If the screening panel finds that it is unable to reach a decision on the issue of medical malpractice or dental malpractice, the written findings of the screening panel are not admissible in any action concerning that claim which is subsequently filed in district court.

Sec. 17. *There are hereby created two tentative screening panels, one to be known as the Northern Panel, from which must be selected screening panels to sit in Reno, Nevada, to hear claims of medical malpractice or dental malpractice arising in the counties of Washoe, Storey, Douglas, Lyon, Churchill, Pershing, Humboldt, Lander, Elko, Eureka, Mineral, White Pine and Carson City, and one to be known as the Southern Panel, from which must be selected screening panels to sit in Las Vegas, Nevada, to hear claims of medical malpractice or dental malpractice arising in the counties of Lincoln, Nye, Esmeralda and Clark.*

Sec. 18. *1. For cases involving medical malpractice or dental malpractice, the Board of Governors of the Nevada Trial Lawyers Association may designate 40 of its members to serve on the Northern Tentative Screening Panel and 60 of its members to serve on the Southern Tentative Screening Panel. Each person so designated shall serve for a term of 1 year.*

2. For cases involving medical malpractice, the Executive Council of the Nevada State Medical Association may designate 40 of its members to serve on the Northern Tentative Screening Panel and 60 of its members to serve on the Southern Tentative Screening Panel. Each person so designated shall serve for a term of 1 year.

3. For cases involving medical malpractice, the Nevada Hospital Association may designate 40 administrators of hospitals and other persons employed by hospitals in management positions to serve as nonvoting members of the tentative screening panels. Each person so designated shall serve for a term of 1 year.

4. For cases involving dental malpractice, the Nevada Dental Association may designate 40 of its members to serve on the Northern Tentative Screening Panel and 40 of its members to serve on the Southern Tentative Screening Panel. Each person so designated shall serve for a term of 1 year.

Sec. 19. *1. The Commissioner of Insurance shall arrange for courses of instruction in the rules of procedure and substantive law appropriate for members of a screening panel.*

2. Each person designated to serve on a tentative screening panel shall attend the instruction provided pursuant to subsection 1 before serving on a particular screening panel.

Sec. 20. *1. The members of a screening panel shall elect one member to serve as chairman.*

2. A screening panel is a state agency. The rules adopted pursuant to section 22 of this act apply to all screening panels.

Sec. 21. *The provisions of chapter 241 of NRS do not apply to any meeting of a screening panel.*

Sec. 22. *The Division, through the Commissioner of Insurance:*

1. Shall maintain a list of the names of the attorneys, physicians, dentists, administrators of hospitals and persons employed by hospitals in management positions on the Northern Tentative Screening Panel and on the Southern Tentative Screening Panel;

2. Shall select the members of the screening panels;

3. Shall schedule the hearings for the screening panels;

4. Shall obtain, before or after the filing of a claim, such health care records, statements of policy and procedure and other materials as may be required by a screening panel in connection with the claim;

5. Shall charge and collect a reasonable fee for copying materials produced under subpoena;

6. Shall adopt regulations prescribing the fees to be paid to the Division by any party that is not a governmental entity in an amount sufficient to pay:

(a) All administrative costs incurred to create the tentative screening panels, train the members of the tentative screening panels, appoint members to the screening panels and enable such members to carry out the duties of the screening panels; and

(b) Any other costs reasonably incurred in carrying out the purposes of sections 12 to 32, inclusive, of this act;

7. For good cause shown, may authorize a continuance for the proceedings involving a screening panel; and

8. May adopt such rules of practice and procedure as are necessary to carry out its duties pursuant to sections 12 to 32, inclusive, of this act.

Sec. 23. *Any money received by the Division pursuant to the provisions of sections 12 to 32, inclusive, of this act must be deposited with the State Treasurer for credit to the account for the Division of Insurance in the State General Fund. The administrative costs of the screening panels must be paid from the account.*

Sec. 24. *1. A matter which allegedly involves medical malpractice or dental malpractice is properly presented to a screening panel by filing a claim with the Division and paying any required fee.*

2. The claim must include the following, and no other information:

(a) A clear and concise statement of the facts of the matter, showing the persons involved and the dates and circumstances, so far as they are known, of the alleged medical malpractice or dental malpractice. The claim must not contain any statement of fact that is not included within the health care records of the claimant or any statement about the standard of care that was provided to the claimant.

(b) One or more affidavits from medical or dental experts, as appropriate, providing opinions concerning the appropriate standard of care, the breach of the standard of care, how the breach caused the injury and a description of the injury. A screening panel may dismiss a claim if the claim is filed without such an affidavit.

3. The person against whom a claim is made must, within 90 days after receipt of the claim, file an answer with the Division and pay any required fee. The answer may only include:

(a) A clear and concise statement of the facts of the matter, showing the persons involved and the dates and circumstances, so far as they are known, of the medical or dental care provided. The answer must not contain any statement of fact that is not included within the health care records of the claimant or any statement about the standard of care that was provided to the claimant.

(b) One or more affidavits from medical or dental experts, as appropriate, providing opinions concerning the appropriate standard of care, whether there was a breach of the standard of care, whether the breach of that standard of care caused the injury and a description of the injury.

4. The Division may authorize an extension of the time in which an answer must be filed only if all parties to the matter stipulate to the extension. If an answer is not timely filed with the Division, the respondent who failed to file the answer may not participate in any conference held pursuant to section 25 of this act.

5. The claimant may file a written response to the answer with the Division within 30 days after he receives the answer. The response must not contain any statement of fact that is not included within the health care records of the claimant or any statement about the standard of care provided to the claimant. The screening panel shall disregard any portion of the response that does not address a statement in the answer or an affidavit accompanying the answer. One or more additional affidavits from medical or dental experts may be included with the response providing opinions concerning the appropriate standard of care, whether there was a breach of the standard of care, whether the breach of that standard of care caused the injury and a description of the injury. No fee may be charged or collected by the Division for the filing of the response.

6. The Division may authorize an extension of the time in which a response may be filed only if all parties to the matter stipulate to the extension. Unless otherwise stipulated to by all the parties to the matter, the Division may not accept any response that is not timely filed.

7. A copy of any claim, answer or response filed with the Division pursuant to this section must be delivered by the party, by certified or registered mail or by personal service, to each opposing party or, if he is represented in the proceedings of the screening panel by counsel, to his attorney.

Sec. 25. *1. Within 35 days after the expiration of the time in which to answer a claim of medical malpractice or dental malpractice, the Division shall hold a conference to resolve any issues as to challenges for cause. For good cause shown, the Division may continue the conference once, for a period not to exceed 7 days. A party may challenge any person on the tentative screening panel for cause on any of the grounds provided by NRS 16.050 for the challenge of jurors.*

2. The Division shall determine whether cause exists to excuse any member of the tentative screening panel and shall notify each party of the excused members no later than the completion of the conference required by subsection 1.

3. Except as otherwise provided in this subsection, each party is entitled to not more than:

(a) Two peremptory challenges from the list of attorneys in cases involving medical malpractice or dental malpractice;

(b) Two peremptory challenges from the list of physicians in cases involving medical malpractice; and

(c) Two peremptory challenges from the list of dentists in cases involving dental malpractice.

In any case in which there are two or more claimants or respondents, they are collectively entitled to not more than four peremptory challenges from the list of members selected for the tentative screening panel. Each party asserting a peremptory challenge shall notify the Division of the challenge at the conference required by subsection 1. If several parties are represented by

the same attorney, those parties shall be deemed to be one party for the purpose of determining the distribution of peremptory challenges.

4. In cases involving medical malpractice, the Division shall randomly select, from the list of members of the tentative screening panel who have not been excused for cause or by a peremptory challenge, the names of two physicians, two attorneys and, if a hospital is also named in the claim submitted to the Division, one administrator of a hospital or person employed by a hospital in a management position, to serve on the screening panel for review of a claim of medical malpractice, but the representative of a hospital may not vote on any claim before the screening panel.

5. In cases involving dental malpractice, the Division shall randomly select, from the list of members of the tentative screening panel who have not been excused for cause or by a peremptory challenge, the names of two dentists and two attorneys to serve on the screening panel for review of the claim of dental malpractice.

6. The Division shall notify the parties and the members selected to serve on the screening panel immediately after it has made the selections. If any member so selected declines to serve, the Division shall immediately and randomly select a replacement from the list. The Division shall not release or disclose to any person the names of the members selected.

7. If, because of the exercise of challenges for cause or peremptory challenges or any other reason, no attorney, dentist, physician, administrator of a hospital or other person employed by a hospital in a managerial position designated pursuant to section 18 of this act remains available to serve on the screening panel, the Division shall immediately notify the Nevada Trial Lawyers Association, the Nevada State Medical Association, the Nevada Dental Association or the Nevada Hospital Association, as appropriate, and that association shall immediately designate a replacement from among its members. No person who is not so designated may serve on the screening panel.

Sec. 26. *1. The Division may, by certified or registered mail, issue subpoenas, as may be required by the screening panel, to compel the attendance of medical or dental experts, as appropriate, who may testify only with regard to the health care records of the claimant, and, as may be required by the parties or the screening panel, to compel the production of books, papers, health care records, statements of policy and procedure or other materials.*

2. The Division shall keep the material so produced and make it available to the parties, upon request, for inspection or copying. If the material is reasonably capable of being copied, the Division shall provide a copy to the parties, upon request and receipt of a fee for the copying.

3. If the health care record of a claimant is illegible or difficult to read, the claimant may request an explanation of the health care record from the provider of health care who created the record. If the provider of health care fails or refuses to provide a satisfactory explanation, the claimant may

request the Division to issue a subpoena to compel the provider of health care to provide a satisfactory explanation.

4. If any medical or dental expert refuses to attend or testify or if any person refuses to produce any materials as required by a subpoena, the Division may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the medical or dental expert or for the production of the materials;

(b) The medical or dental expert or the person required to produce the materials has been subpoenaed by the Division pursuant to this section; and

(c) The medical or dental expert has failed or refused to attend or the person has failed or refused to produce the materials required by the subpoena, or has refused to answer questions propounded to him,

and asking for an order of the court compelling the medical or dental expert to attend and testify or the other person to produce the materials.

5. Upon receiving such a petition, the court shall enter an order directing the medical or dental expert or other person to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and show cause why he has not attended or testified or produced the materials. A certified copy of the order must be served upon the medical or dental expert or other person.

6. If it appears to the court that the subpoena was regularly issued by the Division, the court shall enter an order that the medical or dental expert or other person appear at the time and place fixed in the order and testify or produce the required materials, and upon his failure to obey the order, the medical or dental expert or other person must be dealt with as for contempt of court.

Sec. 27. *1. A claim must be heard by a screening panel within 30 days after the panel is selected.*

2. The screening panel shall consider all the documentary material, including the claim, answer and response, health care records and records of a hospital or office and the testimony of any medical or dental experts provided by the parties that the panel considers necessary, and shall determine only, from that evidence, whether there is a reasonable probability that the acts complained of constitute medical malpractice or dental malpractice and that the claimant was injured thereby. Except for the issue of whether there is a reasonable probability of medical malpractice or dental malpractice and whether the claimant was injured thereby, the screening panel shall not consider any pleading or paper to the extent that it addresses a legal issue presented by the claim or a legal argument of a party. The screening panel shall not consider challenges concerning any relevant statute of limitation relating to a claim before the panel.

3. Copies of the original claim and of the findings of the screening panel with regard to each matter considered by the panel must be forwarded to:

(a) In cases involving medical malpractice:

(1) The Board of Medical Examiners;

(2) The State Board of Osteopathic Medicine; and

(3) The county medical society of the county in which the alleged malpractice occurred.

(b) In cases involving dental malpractice, the Board of Dental Examiners of Nevada.

4. The Commissioner of Insurance shall mail to the parties a copy of the findings of the screening panel concerning the claim.

5. The written findings of the screening panel must be based upon a vote of the members of the screening panel made by written ballot, must be rendered within 5 days after the review and must be in substantially the following form:

(a) Based upon a review of the materials submitted by the parties and expert testimony (if any) we find that there is a reasonable probability of medical malpractice or dental malpractice and that the claimant was injured thereby;

(b) Based upon a review of the materials submitted by the parties and expert testimony (if any) we find that there is no reasonable probability of medical malpractice or dental malpractice; or

(c) Based upon a review of the materials submitted by the parties and expert testimony (if any) we are unable to reach a decision on the issue of medical malpractice or dental malpractice.

6. Whenever three members of the screening panel are unable to find that there is a reasonable probability of medical malpractice or dental malpractice and that the claimant was injured thereby or that there is no reasonable probability of medical malpractice or dental malpractice, the screening panel shall be deemed unable to reach a decision on the issue and shall make a finding to that effect.

Sec. 28. *1. If a claimant is 70 years of age or older or suffers from an illness or condition which raises a substantial medical doubt that the claimant will survive until a determination is made by a screening panel, the claimant may file a written request with the Division to give preference in scheduling the hearing of the claim filed by the claimant. The request must set forth facts showing that the claimant is 70 years of age or older or suffers from an illness or condition which raises a substantial medical doubt that the claimant will survive until a determination is made by a screening panel.*

2. The Division shall schedule the hearing of claims for which preference has been granted pursuant to subsection 1 based on the order in which the Division received the requests for preference.

Sec. 29. *1. Upon the request of the Division or counsel for a patient, a custodian of any health care records shall not allow any person to review any of those records relevant to a claim filed with the Division before those records are transferred to a requesting party or the authority issuing the subpoena.*

2. A violation of this section is punishable as a misdemeanor.

Sec. 30. *1. If a screening panel finds in favor of a claimant and a cause of action involving medical malpractice or dental malpractice is thereafter filed by the claimant in district court, a settlement conference must be held as provided in NRS 41A.081.*

2. If the determination of the screening panel is not in favor of the claimant, the claimant may file an action in court. If the claimant does not obtain a judgment in his favor in court, the defendant must be awarded reasonable costs and attorney's fees incurred after the date of filing the action in court.

3. If the screening panel is unable, for any reason, to reach a decision, the claimant may file a civil action or proceed no further with the claim.

4. If the claimant files a civil action in district court, a person may not be named as a party in the action unless the person was named as a party in the claim which was filed with the Division and considered by the screening panel.

Sec. 31. *1. Unless the written findings of a screening panel are not admissible pursuant to subsection 3 of section 16 of this act, in any action for medical malpractice tried before a jury, the following instructions must be given:*

(a) If testimony of an expert was given at the review by the screening panel:

During the course of this trial certain evidence was admitted concerning the findings of a screening panel. The findings of the panel were based upon a review of the medical records of the claimant and the testimony of medical experts based upon the review by the experts of those records. These findings are to be given the same weight as any other evidence, but are not conclusive on your determination of the case.

(b) If testimony of an expert was not given at the review by the screening panel:

During the course of this trial certain evidence was admitted concerning the findings of a screening panel. The findings of the panel were based solely upon a review of the medical records of the claimant. These findings are to be given the same weight as any other evidence, but are not conclusive on your determination of the case.

2. Unless the written findings of a screening panel are not admissible pursuant to subsection 3 of section 16 of this act, in any action for dental malpractice tried before a jury, the following instructions must be given:

(a) If testimony of an expert was given at the review by the screening panel:

During the course of this trial certain evidence was admitted concerning the findings of a screening panel. The findings of the panel were based upon a review of dental records of the claimant and the testimony of experts based upon the review by the experts of those records. These findings are to be given the same weight as any other evidence, but are not conclusive on your determination of the case.

(b) If testimony of an expert was not given at the review by the screening panel:

During the course of this trial certain evidence was admitted concerning the findings of a screening panel. The findings of the panel were based solely upon a review of the dental records of the claimant. These findings are to be given the same weight as any other evidence, but are not conclusive on your determination of the case.

Sec. 32. *A screening panel or any of its members acting pursuant to sections 12 to 32, inclusive, of this act that initiates or assists in any proceeding concerning a claim of medical malpractice or dental malpractice against a physician or dentist is immune from any civil action for that initiation or assistance or any consequential damages if the panel or members acted without malicious intent.*

Sec. 33. *1. Except as otherwise provided in subsection 2 and except as further limited in subsection 3, in an action for damages for medical malpractice or dental malpractice where the alleged malpractice occurred on or after the effective date of this act, the noneconomic damages awarded to each plaintiff from each defendant must not exceed $350,000, except that if the plaintiff is not entitled to receive economic damages for lost wages the noneconomic damages awarded must not exceed $500,000.*

2. In an action for damages for medical malpractice or dental malpractice where the alleged malpractice occurred on or after the effective date of this act, the limitation on noneconomic damages set forth in subsection 1 does not apply in the following circumstances and types of cases:

(a) A case in which the conduct of the defendant is determined to constitute gross malpractice; or

(b) A case in which, following return of a verdict by the jury or a finding of damages in a bench trial, the court determines, by clear and convincing evidence admitted at trial, that an award in excess of the limits on the amount of noneconomic damages that may be awarded to a plaintiff is justified because of exceptional circumstances.

3. Except as otherwise provided in subsection 4, in an action for damages for medical malpractice or dental malpractice where the alleged malpractice occurred on or after the effective date of this act, in the circumstances and types of cases described in subsections 1 and 2, the noneconomic damages awarded to each plaintiff from each defendant must not exceed the amount of money remaining under the professional liability insurance policy limit covering the defendant after subtracting the economic damages awarded to that plaintiff. Irrespective of the number of plaintiffs in the action, in no event may any single defendant be liable to the plaintiffs in the aggregate in excess of the professional liability insurance policy limit covering that defendant.

4. The limitation set forth in subsection 3 does not apply in an action for damages for medical malpractice or dental malpractice unless the defendant

was covered by professional liability insurance at the time of the occurrence of the alleged malpractice and on the date on which the insurer receives notice of the claim, in an amount of:

(a) Not less than $1,000,000 per occurrence; and

(b) Not less than $3,000,000 in the aggregate.

5. This section is not intended to limit the responsibility of any defendant for the total economic damages awarded.

6. For the purposes of this section, "gross malpractice" means failure to exercise the required degree of care, skill or knowledge that amounts to:

(a) A conscious indifference to the consequences which may result from the gross malpractice; and

(b) A disregard for and indifference to the safety and welfare of the patient.

Sec. 34. NRS 41A.031 is hereby amended to read as follows:

41A.031 1. Except as otherwise provided in subsection 2 and except as further limited in subsection 3, in an action for damages for medical malpractice or dental malpractice ~~[,]~~ *where the alleged malpractice occurred on or after October 1, 2002, but before the effective date of this act,* the noneconomic damages awarded to each plaintiff from each defendant must not exceed $350,000.

2. In an action for damages for medical malpractice or dental malpractice ~~[,]~~ *where the alleged malpractice occurred on or after October 1, 2002, but before the effective date of this act,* the limitation on noneconomic damages set forth in subsection 1 does not apply in the following circumstances and types of cases:

(a) A case in which the conduct of the defendant is determined to constitute gross malpractice; or

(b) A case in which, following return of a verdict by the jury or a finding of damages in a bench trial, the court determines, by clear and convincing evidence admitted at trial, that an award in excess of $350,000 for noneconomic damages is justified because of exceptional circumstances.

3. Except as otherwise provided in subsection 4, in an action for damages for medical malpractice or dental malpractice ~~[,]~~ *where the alleged malpractice occurred on or after October 1, 2002, but before the effective date of this act,* in the circumstances and types of cases described in subsections 1 and 2, the noneconomic damages awarded to each plaintiff from each defendant must not exceed the amount of money remaining under the professional liability insurance policy limit covering the defendant after subtracting the economic damages awarded to that plaintiff. Irrespective of the number of plaintiffs in the action, in no event may any single defendant be liable to the plaintiffs in the aggregate in excess of the professional liability insurance policy limit covering that defendant.

4. The limitation set forth in subsection 3 does not apply in an action for damages for medical malpractice or dental malpractice unless the defendant was covered by professional liability insurance at the time of the occurrence

of the alleged malpractice and on the date on which the insurer receives notice of the claim, in an amount of:

(a) Not less than $1,000,000 per occurrence; and

(b) Not less than $3,000,000 in the aggregate.

5. This section is not intended to limit the responsibility of any defendant for the total economic damages awarded.

6. For the purposes of this section, "gross malpractice" means failure to exercise the required degree of care, skill or knowledge that amounts to:

(a) A conscious indifference to the consequences which may result from the gross malpractice; and

(b) A disregard for and indifference to the safety and welfare of the patient.

Sec. 35. NRS 41A.097 is hereby amended to read as follows:

41A.097 1. Except as otherwise provided in subsection 3, an action for injury or death against a provider of health care may not be commenced more than 4 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person occurring before October 1, 2002, based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person occurring before October 1, 2002, from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person occurring before October 1, 2002, from error or omission in practice by the provider of health care.

2. Except as otherwise provided in subsection 3, an action for injury or death against a provider of health care may not be commenced more than 3 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person occurring on or after October 1, 2002, based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from error or omission in practice by the provider of health care.

3. This time limitation is tolled ~~[for]~~ *:*

(a) For any period during which the provider of health care has concealed any act, error or omission upon which the action is based and which is known or through the use of reasonable diligence should have been known to him.

(b) In any action governed by the provisions of sections 12 to 32, inclusive, of this act from the date on which a claimant files a claim for review by a screening panel until 30 days after the date on which the

screening panel notifies the claimant, in writing, of its findings. The provisions of this paragraph apply to an action against the provider of health care and to an action against any person or governmental entity that is alleged by the claimant to be liable vicariously for the medical malpractice or dental malpractice of the provider of health care, if the provider, person or governmental entity has received notice of the filing of a claim for review by a screening panel within the limitation of time provided in subsection 1.

Sec. 36. NRS 49.245 is hereby amended to read as follows:

49.245 There is no privilege under NRS 49.225 or 49.235:

1. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the doctor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

2. As to communications made in the course of a court-ordered examination of the condition of a patient with respect to the particular purpose of the examination unless the court orders otherwise.

3. As to written medical or hospital records relevant to an issue of the condition of the patient in any proceeding in which the condition is an element of a claim or defense.

4. In a prosecution or mandamus proceeding under chapter 441A of NRS.

5. As to any information communicated to a physician in an effort unlawfully to procure a dangerous drug or controlled substance, or unlawfully to procure the administration of any such drug or substance.

6. As to any written medical or hospital records which are furnished in accordance with the provisions of NRS 629.061.

7. As to records that are required by chapter 453 of NRS to be maintained.

8. If the services of the physician are sought or obtained to enable or aid a person to commit or plan to commit fraud or any other unlawful act in violation of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person knows or reasonably should know is fraudulent or otherwise unlawful.

9. In a review before a screening panel pursuant to sections 12 to 32, inclusive, of this act.

Sec. 37. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

An insurer shall not take any retaliatory action, including, without limitation, cancelling or failing to renew a policy of insurance or renewing a policy of insurance with altered policy or contract terms, against a physician or dentist who, during a settlement conference held pursuant to NRS 41A.081, indicates his desire to settle the claim for or within his policy limits.

Sec. 38. NRS 690B.045 is hereby amended to read as follows:

690B.045 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS for a breach of his professional duty toward a patient shall report to the board which licensed the practitioner within ~~[30]~~ *45* days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the name and address of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS who does not have insurance covering liability for a breach of his professional duty toward a patient shall report to the board which issued his license within ~~[30]~~ *45* days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving his name and address, the name and address of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 39. NRS 690B.050 is hereby amended to read as follows:

690B.050 1. Each insurer which issues a policy of insurance covering the liability of a physician licensed under chapter 630 of NRS or an osteopathic physician licensed under chapter 633 of NRS for a breach of his professional duty toward a patient shall report to the Commissioner within ~~[30]~~ *45* days each settlement or award made or judgment rendered by reason of a claim, giving the name and address of the claimant and physician and the circumstances of the case.

2. The Commissioner shall report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, within 30 days after receiving the report of the insurer, each claim made and each settlement, award or judgment.

Sec. 40. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, each health care plan offered or issued by a managed care organization that contracts with providers of health care for the provision of health care services to insureds must provide that the managed care organization will enter into a contract with any provider of health care for the provision of covered health care services to its insureds if:

(a) The provider of health care is qualified under the laws of this state to provide such care; and

(b) The provider of health care agrees to accept the rates, terms and conditions established for other providers of health care by the managed care organization.

2. An evidence of coverage for a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after the effective date of this act has the legal effect of including the

provisions required by this section, and any provision of the evidence of coverage or renewal thereof that is in conflict with this section is void.

3. The provisions of this section do not apply to any plan for providing welfare benefits for employees of more than one employer as described in NRS 679B.139.

Sec. 41. NRS 41A.071 is hereby repealed.

Sec. 42. Sections 12 to 32, inclusive, of this act do not apply to an action involving medical malpractice or dental malpractice filed before the effective date of this act.

Sec. 43. 1. Until the Division of Insurance of the Department of Business and Industry collects sufficient fees to pay for the administrative costs of the screening panels established pursuant to sections 12 to 32, inclusive, of this act, the Division shall apportion such administrative costs among the Board of Medical Examiners, the State Board of Osteopathic Medicine and the Board of Dental Examiners of Nevada as follows:

(a) The Board of Medical Examiners shall pay a portion of the administrative costs based on the ratio of the number of physicians licensed pursuant to chapter 630 of NRS to the total number of physicians, osteopathic physicians and dentists licensed pursuant to the provisions of chapters 630, 631 and 633 of NRS.

(b) The State Board of Osteopathic Medicine shall pay a portion of the administrative costs based on the ratio of the number of osteopathic physicians licensed pursuant to chapter 633 of NRS to the total number of physicians, osteopathic physicians and dentists licensed pursuant to the provisions of chapters 630, 631 and 633 of NRS.

(c) The Board of Dental Examiners of Nevada shall pay a portion of the administrative costs based on the ratio of the number of dentists licensed pursuant to chapter 631 of NRS to the total number of physicians, osteopathic physicians and dentists licensed pursuant to the provisions of chapters 630, 631 and 633 of NRS.

2. Any money received by the Division of Insurance pursuant to the provisions of this section must be deposited with the State Treasurer for credit to the account for the Division of Insurance in the State General Fund. The administrative costs of the screening panels must be paid from the account.

3. If a board fails to pay its apportioned share of the administrative costs required by this section, the Commissioner of Insurance may refer the nonpayment to the Office of the Attorney General for collection of the apportioned share and any costs incurred.

4. For the purposes of this section, "administrative costs" means:

(a) All costs incurred to create the tentative screening panels, train the members of the tentative screening panels, appoint members to the screening panels and enable such members to carry out the duties of the screening panels; and

(b) Any other costs reasonably incurred in carrying out the purposes of sections 12 to 32, inclusive, of this act.

Sec. 44. 1. For a policy of insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of his professional duty toward a patient that is issued or renewed on or after the effective date of this act, the insurer shall reduce the premium for the policy to an amount which:

(a) Must be determined by the Commissioner of Insurance; and

(b) Must be less than the premium for the same coverage in effect on the effective date of this act.

2. If, on or after the effective date of this act, a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS applies for the first time for a policy of insurance covering the liability of the practitioner for a breach of his professional duty toward a patient, the premium for the policy:

(a) Must be determined by the Commissioner of Insurance; and

(b) Must be less than the premium for similarly situated risks in effect on the effective date of this act.

3. Any separate affiliate of an insurer, established after the effective date of this act, is subject to the provisions of this section and shall reduce its premiums to amounts which:

(a) Must be determined by the Commissioner of Insurance; and

(b) Must be less than the insurer's premiums in effect on the effective date of this act.

4. In determining the amount by which premiums must be reduced pursuant to this section, the Commissioner of Insurance shall consider:

(a) Whether the reduction in premiums permits a fair and reasonable return to the insurer; and

(b) Whether the reduction in premiums is otherwise not confiscatory.

5. During the period beginning on the effective date of this act and ending on December 1, 2004:

(a) Premiums reduced pursuant to this section may be increased only in accordance with the provisions of this subsection or chapter 686B of NRS.

(b) An insurer subject to the provisions of this section may apply to the Commissioner of Insurance pursuant to this subsection to increase a premium set pursuant to this section if the premium set pursuant to this section fails to provide a fair and reasonable return to the insurer or is otherwise confiscatory.

(c) An application by an insurer pursuant to this subsection:

(1) Must be in writing;

(2) Must contain a detailed analysis of the reasons the premium set pursuant to this section fails to provide a fair and reasonable return to the insurer or is otherwise confiscatory, including, without limitation, relevant facts and provisions of law; and

(3) Must contain a proposed premium which:

(I) The insurer believes is the minimum premium that provides a fair and reasonable return to the insurer and is otherwise not confiscatory; and

(II) Is equal to or less than the premium charged by the insurer before the reduction pursuant to this section.

(d) After a hearing, the Commissioner of Insurance may approve the application of an insurer pursuant to this subsection, provided that the Commissioner:

(1) Finds that the premium set pursuant to this section fails to provide a fair and reasonable return to the insurer or is otherwise confiscatory; and

(2) Sets the premium at the minimum amount that provides a fair and reasonable return to the insurer and is otherwise not confiscatory.

(e) An insurer who submits an application pursuant to this subsection may charge the premium proposed in the application until the Commissioner of Insurance approves or disapproves the application, provided that:

(1) Upon approval of the application, the insurer immediately begins to charge the premium set by the Commissioner of Insurance pursuant to this subsection and refunds any excess portion of the previously paid premiums, with interest, to the person who paid the premiums; and

(2) Upon disapproval of the application, the insurer immediately begins to charge the premium set pursuant to this section and refunds the excess portion of the previously paid premiums, with interest, to the person who paid the premiums.

(f) If an insurer submits an application pursuant to this subsection, the insurer may not submit another application pursuant to this subsection regarding the same premium until no sooner than 60 days after the date of the decision of approval or disapproval of the Commissioner of Insurance with regard to the first application.

6. Notwithstanding any previous notice of cancellation or renewal, an insurer who has issued a policy of insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of his professional duty toward a patient that is in effect on the effective date of this act, and has a scheduled date for termination of the policy before December 1, 2004, shall not terminate or cancel that policy before December 1, 2004, or refuse to renew or extend that policy through November 30, 2004, for the purpose of avoiding the reduction in premiums required by this section.

7. An insurer who cancels or fails to renew policies of insurance covering the liability of practitioners licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of their professional duty toward patients at a rate that exceeds the insurer's average monthly rate of cancellation or failure to renew, respectively, for the preceding 24 months by more than 10 percent during any 30-day period between the effective date of this act and December 1, 2004, is required to show cause immediately to the Commissioner of Insurance why the insurer is not in violation of this section. Any violation of this section is a violation of the Nevada Insurance Code. If

the Commissioner of Insurance determines that the reason for the increase in the rate of cancellation of or failure to renew policies is an attempt to circumvent the reduction in premiums required by this section, the Commissioner may take appropriate disciplinary action.

8. For the purposes of this section:

(a) "Insurer" has the meaning ascribed to it in NRS 679A.100.

(b) "Premium" has the meaning ascribed to it in NRS 679A.115.

Sec. 45. 1. Not later than 90 days after the effective date of this act, an insurer subject to the provisions of section 44 of this act shall submit a proposal to reduce premiums to the lowest amount possible that continues to permit a fair and reasonable return to the insurer and is not otherwise confiscatory, taking into consideration the savings experienced and reasonably anticipated as a result of the passage of Assembly Bill No. 1 of the 18th Special Session of the Nevada Legislature.

2. Until the Commissioner of Insurance determines the amount by which an insurer must reduce premiums, the insurer may continue to charge the current premium. Upon such a determination of the Commissioner of Insurance, the insurer shall immediately begin to charge the premium set by the Commissioner of Insurance and refund any excess portion of the previously paid premiums, with interest, to the person who paid the premiums.

Sec. 46. Section 44 of this act expires by limitation on July 1, 2007.

Sec. 47. 1. At the general election held in 2004, the provisions of this act must be submitted to the registered voters of this state, pursuant to Section 2 of Article 19 of the Nevada Constitution, as a different and competing measure enacted by the Legislature on the same subject contained in the initiative petition that was presented to the Legislature by the Secretary of State on February 3, 2003.

2. If the initiative petition that was presented to the Legislature by the Secretary of State on February 3, 2003, is invalidated or for any other reason is not submitted to the registered voters of this state at the general election held in 2004, the provisions of this act also must not be submitted to the registered voters of this state at that general election and are thereafter void.

3. This act shall become law and take effect in the manner set forth in Section 2 of Article 19 of the Nevada Constitution.

TEXT OF REPEALED SECTION

41A.071 Dismissal of action filed without affidavit of medical expert supporting allegations. If an action for medical malpractice or dental malpractice is filed in the district court, the district court shall dismiss the action, without prejudice, if the action is filed without an affidavit, supporting the allegations contained in the action, submitted by a medical expert who practices or has practiced in an area that is substantially similar to the type of practice engaged in at the time of the alleged malpractice.".

Amend the preamble of the bill, page 1, by deleting lines 1 through 13 and inserting:

"WHEREAS, The provision of quality medical care is essential to the general health and welfare of the residents of this state; and

WHEREAS, The practice of medicine is a mixture of art and science and is a dynamic and changing discipline based to a great extent on concepts of probability rather than on absolute certainty; and

WHEREAS, Regardless of the advances in the practice of medicine, unanticipated medical outcomes may occur during medical treatment because of the unavoidable effects of a disease or the unavoidable result of appropriate medical care; and

WHEREAS, Unanticipated medical outcomes do not automatically give rise to liability for damages; and

WHEREAS, Tens of thousands of patients are unfortunately injured each year as a result of inappropriate medical care; and

WHEREAS, This state is experiencing a health care crisis because increasing costs of malpractice insurance premiums have resulted in a potential breakdown in the delivery and quality of health care in this state; and

WHEREAS, Certain measures must be taken to provide protection for both the providers of health care and their patients to improve the quality of health care in this state; and

WHEREAS, A system for screening claims of malpractice by professionals with specialized training and experience will provide such protection for those providers and their patients and will eliminate frivolous claims and resolve meritorious claims; and

WHEREAS, Reasonable limitations on certain types of damages in malpractice actions will fairly balance the rights of those providers and their patients; and

WHEREAS, A system for reporting and investigating claims of medical malpractice will provide protection to the public by removing incompetent physicians from the medical profession; and

WHEREAS, A system for reducing premiums for malpractice insurance will ensure that competent physicians will continue to provide quality medical care in this state; now, therefore,".

Amend the title of the bill to read as follows:

"AN ACT relating to health care; establishing screening panels for claims for medical malpractice or dental malpractice; increasing the limitation on the amount of noneconomic damages that may be awarded in an action for medical malpractice or dental malpractice in certain circumstances; requiring an investigation of a physician who has had three claims of malpractice reported to the licensing board; making various changes relating to the reporting of claims of medical malpractice; prohibiting an insurer from retaliating against a physician or dentist who indicates a desire to settle a claim during a settlement conference; requiring managed care organizations

to enter into contracts for the provision of services with any willing provider in certain circumstances; requiring a temporary reduction in the premiums of malpractice insurance; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning actions for malpractice against providers of health care, removes certain restrictions by insurers on providers of health care and makes various other changes concerning providers of health care. (BDR 1-248)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblymen Buckley, Hettrick, Mabey, Anderson, Leslie, Horne, Geddes, Collins, and Hardy.

Assemblyman Sherer requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. The first thing Amendment No. 774 does is delete SB 97 in its entirety. I would like to take a couple of minutes to hit the high points of SB 97 in order to discuss the rational of the Judiciary Committee in removing these items. The first item removed was a $350,000 hard cap. As everyone is aware, the Legislature met in a Special Session and enacted a series of caps. The first cap we enacted was an absolute, total immunity for any doctor who volunteered. The next cap was a $50,000 immunity cap for doctors who render emergency care in trauma-type situations. The last cap was a $350,000 with two exceptions. One exception was for gross negligence, which really doesn't happen, and the second exception was, by clear and convincing evidence, where there were exceptional circumstances such as brain damage or paralysis. SB 97, in its original form, would have removed that exception, which in the opinion of many, would lead to an ultimate finding of unconstitutionality by the Nevada State Supreme Court.

One of the things discussed in the Special Session was that we should be very careful about balancing rights between trying to lower insurance premiums and the rights of someone who was injured and deserving of compensation under our system of justice. That is why we added a kind of relief valve for individuals with injuries such as brain damage. A final cap that was added to AB 1of the 18th Special Session said there was an overall cap of insurance policy limits. If you have a $1,000,000 insurance policy, with $900,000 in economic damages, all you can receive is $100,000 in noneconomic damages. We did a four-part cap. What SB 97 in its original form would do is to take away the exception for brain damage, paralysis, and exceptional circumstances. Eight states have already found caps unconstitutional. It is a very real danger. What would happen is, if this cap would be found unconstitutional, we would be back with no cap at all, rendering our situation more unstable than it is with the cap we have.

The next point of SB 97, which is deleted in the amendment, has to do with joint and several liability for economic damages. Proponents argue that we need to emulate California's Medical Injury Compensation Reform Act (MICRA) law. Joint and several liability on economic damages is not part of California's law. Eighty percent of all malpractice cases occur in a hospital. If, for example, a person ends up in a coma and there is joint and several liability, the hospital is only liable for their percentage, the nurses for theirs, one doctor for his, and another doctor for his, instead of focusing on making the patient, who did nothing wrong, whole. Instead of enabling them to get their medical bills paid, their wheelchair costs paid, this would say, "No, we don't care about the hard economic costs. We are going to divvy it up, even if the patient isn't made whole." That is a risky proposition, which would mean any lawyer worth their salt would sue every person they could find to get each percentage, leading to more litigation. That is not a good result.

The next concept that was eliminated in SB 97 relates to periodic payments. When a jury renders a verdict and says, "Hey, you were wrong. You owe this person a certain amount," that

person gets the amount. In its original form, SB 97 said "No, no, no. We can decide to pay you in lump sums." Why that is not a good idea is, first of all, a jury has already decided that they were due that amount. Second, the physician would end up being a judgment debtor for the entire time of the periodic payments, meaning the judgment would remain on their record as unpaid. If the victim needs their money for any sort of economic damages, a wheelchair or medical care, they may not be able to get it.

The collateral source rule is the next part of SB 97 that was eliminated. We have a collateral source rule in Nevada. What that does is after a jury trial, if there is a judgment awarded, any insurance company who paid out health insurance deducts that amount from the verdict. There is no double-dipping in Nevada. In its original form, SB 97 would let the jury know you have insurance. The jury would not be told that the doctor has insurance, just the patient. Our scheme is better. It prevents double-dipping and it doesn't create an uneven playing field.

The last part of SB 97, the statute of limitations, was reduced to a year. That is just to hurt people and cut them off from filing a claim. What the amendment does, in its form, is replace this with a more holistic remedy to the problem that is facing us. It was offered by the Coalition for Quality Healthcare, consisting of groups consisting of AARP, Nevada Social Workers, and others. It would offer the voters a choice.

There are many different opinions as to how we can stabilize our malpractice environment and ensure better health care for all Nevadans. One approach has already been qualified to go to the voters for consideration on the 2004 ballot. This would give the voters another choice. It reaffirms AB 1 of the 18th Special Session and all of the caps that were outlined and already approved by this Legislature. It raises the cap to $500,000 for children, seniors, and housewives, those who do not have economic damages. It reinstitutes the successful medical legal screening panel to weed out frivolous lawsuits, which is something many of us in this Chamber did not want to eliminate, but were asked to eliminate by the physicians who now have reconsidered. It requires a mandatory investigation when doctors are involved in multiple litigation. It requires the board to do an investigation to see if appropriate disciplinary action is needed. And lastly, it creates more access to physicians by having patients be able to access more doctors and their health care plan. Patients now are not in the drivers' seats when it comes to the physician of their choice. Health care plans drop physicians after a patient has established a bond with the physician. There are many who say one of the reasons why we have more litigation is because there is no longer a bond between the physician and his patient because a physician may have 3.5 seconds before they can move to the next patient due to the rules that the HMOs have put on them. This provision in the amendment will put the patient in the driver's seat and let the patient have more access to medical care. A comprehensive, balanced approach to health care and respect for people's rights will, in the long run, lead to a better health care system. That is why I request your support on this amendment to SB 97.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I rise in opposition of this amendment. We agree on some of the things that are in the amendment. I believe the medical screening panels would be effective and should go back in. We are seeing an explosion of malpractice cases throughout Nevada and I believe medical screening panels would be an appropriate addition; so that part we would agree upon. "Any willing provider" sounds good and feels good, but the very reason it doesn't work is that when you do that you lower the number of patients who go to a doctor who agreed to accept a lower price in return for seeing more patients. If he doesn't see the patients he can't offer the lower price, therefore, if you put in "any willing provider," you are going to raise the cost of medical coverage for everyone because the doctors will not be able to accept as low a price to provide medical care. It sounds good and feels good but it doesn't work very well. It will cost people in the state of Nevada money.

This amendment raises caps. While again, it sounds good and we worry about economic damages, those are imputed and raising the cap brings back the uncertainty of what this law would do. This adds disciplinary action for doctors, as well, and requires changes in the way that is done. I think that has a negative impact on the law in Nevada as it stands.

The big argument we have had over and over again in the State is if we wait and see if AB 1 of the 18th Special Session works, we would have certainty and ultimately rates would go down.

Here we are proposing to change things again and we are just going to continue the uncertainty and rates won't go down. We have an opportunity to pass a bill that mimics, very closely, MICRA in California and we know that works. Their medical malpractice rates run at an average of about a third of the state of Nevada. If we would enact that law now instead of waiting for this thing to go to the ballot, we could save all Nevadans and doctors insurance premium costs, and save good quality health care for the citizens of this state. I urge my fellow colleagues not to support this amendment.

ASSEMBLYMAN MABEY:

Thank you, Mr. Speaker. Let me speak as Doctor Mabey, not as Assemblyman Mabey. This amendment is bad for the citizens of this great State and is bad for your constituents. What good is Nevada Check Up if there are fewer pediatricians to see your children? What good is Senior Rx if there are fewer internists to write their prescriptions? What good is health insurance if you can't afford it? What good is Baby-to-Baby if there are fewer obstetricians and you can't receive care? What good is Family-to-Family if there are fewer family practitioners and you can't make an appointment? What good is malpractice insurance if a doctor can't afford it or there aren't malpractice insurance companies to sell the insurance?

This amendment, if passed, will restrict access to medical care, especially for the poor and less fortunate, because it will lead to fewer doctors. It has been my honor to serve as a doctor. No one, not anyone, knows what it is like to be a doctor. It is a sacred calling and duty. I have spent many days and nights in the hospital. I have delivered thousands of babies. It is an awesome privilege. I have sweated and prayed for my patients that I would do the right thing and that they would benefit by what I did. Mr. Speaker, there were those times that had I not been there a father and mother would have not had a christening, but rather a funeral. They would not have seen their child grow up but only wondered what might have been. Mr. Speaker, had I not been there, a father would have had to rear his child alone without his wife.

Mr. Speaker, in my opinion, this amendment is the worst amendment of this entire session. This amendment will not improve access to care but instead will worsen it. Please do not be on record for worsening the crisis. I encourage you to vote no on the amendment. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of the amendment. Clearly, there were two eloquent speakers ahead of me. During the Special Session we put forth Assembly Bill 1. We came up with what we hoped to be a solution to a genuine crisis. All of us recognize that the physicians that treat us are doing the very best they can. They are indeed gifted and talented people that we have confidence in and trust. In fact, if we listen to their advice we would be much better off. They care about us and look out for us. In thinking about the physicians who have treated me in my lifetime, each of them was a caring individual. It is not those physicians that cause us to worry. Our worry is to the physicians who, unfortunately, cause the disruptive attitude, the litigations, make serious errors, and cause great damage to both the individual patients and to their colleagues because of increased insurance rates. The crisis, I think, is twin, and while some would point to California as a model, I have always rejected the ideas of California. Not because it is California but because inflation, in this particular case, would change circumstances from then to now so that the rates would have to be higher. We sit in a different economic atmosphere. We have an environment that is different physically, economically, politically, socially, and in every other conceivable way. The Sierras do more than separate us from California; they separate us from a different kind of life and view. We rest upon our rugged individualism, a belief that Nevadans like to keep alive. When Nevada stepped off into its medical screening in the 80s, and we were well served, did it need to be fixed? Absolutely. Did we need to turn to what California was doing? Absolutely not. The insurance crisis has brought us to the point that we are now. To castigate this all on bad doctors is wrong. To castigate it on an overlitigious society is wrong. I believe, as I have for several sessions, that the problem rests with insurance companies. This amendment attempts to address part of that problem. That is the reason I believe it is a good piece of legislation and should go forward. Do I believe we are finished with this issue? The answer to that is no.

ASSEMBLYWOMAN LESLIE:

Thank you, Mr. Speaker. I rise in support of this amendment. I would like to specifically address the part of the amendment that has the "any willing provider" clause in it. "Any willing provider" sounds good and feels good because it is good for the patient and the consumer. It provides consumers with choice. It increases patient access to timely and convenient care from the doctor of their choice. The only argument we heard against this is cost. The cost that is seldom figured in, because it is hard to quantify, is the cost that a patient incurs when they are constantly changing doctors. Who pays for the charts to be copied? Who pays for the drug regimens that have to be changed? What happens to the patients that fall between the cracks? What happens when, instead of getting in to see the new doctor, concerns have to be handled over the phone? These costs are real costs and have to be figured into the health plans. When patients have a trusted relationship with their physician there are fewer lawsuits and better compliance. If a patient has to constantly switch health plans and their doctors because of it, they are going to lose the doctors they have a long-standing relationship with. You or I may not find that terribly burdensome, but somebody with a serious and chronic illness may. Someone with a serious mental illness who has a long-standing relationship with their doctor may be devastated. Let's pass this amendment with the "any willing provider" language and give these folks the peace of mind that their doctor will not be taken away from them by their insurance company for whatever reason. I urge your support.

ASSEMBLYMAN HORNE:

Thank you, Mr. Speaker. I rise in support of this amendment. Our colleague from District 2, as you can tell, is very passionate about his profession and I am sure that he is a very good physician. As everyone knows, my wife just gave birth and we love our obstetrician. We drove clear across the Valley just to see her and delivered in a hospital on the other side of the Valley just to make sure she was our physician. Unfortunately, not all the doctors are that good. Unfortunately, even good physicians are negligent sometimes. When that happens patients who are harmed by these doctors should be made whole.

In regard to caps, SB 97, in its original form, made no exceptions no matter how much a person has suffered: $350,000. "I don't care how extreme my negligence was": $350,000. That is just bad policy. As for several liability, under the original SB 97, doctors would want to be only liable for their percentage of their negligence, which sounds fair to everyone. However, you have to remember that public policy is to make the patient, who has done nothing wrong, whole. As the Majority Leader stated, if the original bill were to pass, a good lawyer would go after every person that is responsible for that harm and every single percentage. It doesn't stop there. Currently a lawyer does not go after a physician's personal assets but that will change. I don't believe that is where anyone wants to go. That is why attorneys buy insurance as well. The definition of personal negligence, in its current form, seems to be that doctors want to require the showing of proximate cause for it to be professional negligence. This could result in the finding that no one is responsible. Imagine that you are the harmed patient and your job is to show proximate cause of damage caused by the physician. As any physician will tell you, it is difficult to show exactly what happened in that procedure that caused the harm. A plaintiff attorney would have to convince a jury to say how else did it happen, but in SB 97, in its original form, that almost holds no water because it says a patient has to show proximate cause and so he loses. It doesn't show how many doctors, nurses, or medical experts visited that patient. The reasonable care, skill, and knowledge is the better definition. It goes to what the medical professional is supposed to do. It limits attorneys' fees and contingency fees. Contingency fees, let us not forget, open up the possibility for someone who is harmed, and has no money, to afford an attorney. There are many people who are harmed by bad doctors who can't afford an attorney. Law firms who practice in this area front the money. Litigation, as everyone knows, costs a lot of money. If you take that away, you take away the access to these patients who have been harmed and done nothing more than seek medical help.

For a long time I have heard nothing but physicians screaming, and rightfully so, they are not being paid for services rendered. What they are getting paid is slowly being diminished by insurance companies. The answer to that, they think, would be to limit attorneys' fees, which is wrong.

In regard to periodic payments, is a physician's insurance company willing to pay interest on a plaintiff's award? If a person gets an award of $1,000,000, the original bill says the insurance company can determine whether or not to pay periodically. That is unfair because if I need the money for a future procedure I need the money now. If they are going to hold the remainder of the money that has already been awarded, I haven't seen any proposals that there would be any interest paid. It should be paid.

As far as collateral source payments, you can't ride on the coattails of the premiums that the patient has been paying. The way I read the bill that is exactly what you would be able to do, regardless of what the insurance was for. Many of us know of insurances that advertise that if you are off work we will pay you "X" amount of money for a period of time until you are back to work. Under the original SB 97 doctors would be able to say to a jury, "Hey, this bill has already been paid and I should be relieved of that payment." You shouldn't be because you are still liable and you shouldn't be able to walk away from it because someone else has already picked up the bill. Is it a good policy to let someone say they are not responsible because it is already paid? Everyone asks if AB 1 of the 18th Special Session is sufficient to allow these premiums to come down. I heard the Minority Leader say that we are changing it without giving it time and that is what we are trying to do with this amendment. I disagree and believe that is what SB 97 is attempting to do. SB 97 is attempting to change what was done in that Special Session. We have all heard in committees the insurance industry say they don't know, that even if we did everything, whether or not the insurance rates would come down; and if so, it would probably take at least three to five years. This is paramount to the old movies where you saw the volcano erupt and the people would take a virgin and throw her into the volcano hoping that the volcano wouldn't erupt. It still rumbled and so they would take another virgin up there. We have to let it work and see what happens. I stand in support.

ASSEMBLYMAN GEDDES:

Thank you, Mr. Speaker. I rise in opposition to this amendment. With all due respect to the great arguments made by my colleagues from Las Vegas and Sparks, I live in northern Nevada and 3 ½ years ago I was trying to find an Obstetrician/Gynecologist (OB/GYN) for my pregnant wife. We had a hard time finding a good one. It finally took a recommendation from a friend to a cousin to finally get a good doctor. When we had to be rushed to the hospital at 6:00 a.m., as my wife had Hemolysis Elevated Liver Enzymes, Low Platelet Count, HELLP Syndrome, and I was looking at losing my wife and my child in a matter of moments, I was very thankful to have my OB/GYN on rotation at the hospital. When the nurses told him he was nuts to do the blood test looking for HELLP Syndrome, I am glad he was there to say, "No, she has the symptoms. We need to look at this." I was able to have my wife and my son, after three weeks in intensive care, come out of that hospital happy and healthy and my family complete. I cannot imagine not having an OB/GYN and having to go to that emergency room at 6:00 a.m. that morning, not having those tests done and losing my family. I am opposed to this amendment. Thank you.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I support this amendment. During the Special Session I had a picture of a real pretty girl named Savannah on my desk. I have taken that picture away but I would be glad to bring it back. She is my niece, my younger brother's daughter.

My brother and his wife knew each other several years and then married. They decided to have a child and they did, in the middle of Las Vegas, in one of the finest hospitals. They had a little girl that will never speak, never call them Mom and Dad, never walk, and will probably not even fully sense being around her parents. This child is fed with a tube in her stomach and has periodic surgeries and takes tons of medicines for all kinds of things. Is there a cap on their lives? What is that worth for them for the next 20 or 30 years or however long this child might live? They will be, around the clock, every four hours, feeding her. Is there a cap on the lives that were harmed by a doctor who just kept doing what he did? That lawsuit has been filed and I believe it is a legitimate lawsuit. Doctors are going to come here and they are going to do what is right, just as we have heard from folks here. When they deliberately do something wrong there is no limit. Thank you.

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker. I would recognize the sincerity, compassion, and eloquence that have been shared today. I would be derelict in my duty if I did not speak. I think there are not many doctors who are virgins, but they feel that they have been cast into the volcano. The same angst that we feel when one of ours has been injured is shared by the physician, the nurse, the health team worker, who has to help care for people who are injured in any way. When we consider that California has done certain things to get to the patient who has been injured quicker, with available means, then that is one of the things we would like to see. That is what the track record of MICRA has done. The initiative petition that was trying to mirror what was done in SB 97, probably to increase or decrease the time it would take to be effective to get predictability in the same venue or means as California. We do not hear of doctors leaving California. We do not hear about an access-of-care crisis in California. We do not hear the "patients" not having access to care by a good attorney in California. The timing is an issue that we could move forward with an intact SB 97.

The other thing that concerns me is the hope that is needed by medical care providers to stay in Nevada and to be recruited to Nevada and to continue to practice the skills that they have. We have doctors who are giving up certain areas of their practice, so we are getting into a literal crisis of access to care. This amendment would prolong that and would be a problem. I would be opposed to the amendment and I think there are things we need to look at. I recognize there are good things in SB 97 and the amendment that is proposed but those things could have been, were, and still could be addressed in other bill drafts. The issue of pain and suffering as a cap is a real issue. I don't think doctors are anxious for economic damages to be capped. You can do the statistics and find how many babies are born with cerebral palsy through no fault of anyone. It happens. An insurance product that allowed for a no-fault purchase where a child could be covered for their life and the families financial means to take care of the child is something that needs to be explored. I would, again, compliment the decorum, the sincerity, and the collegiality that we felt during this discussion and I appreciate and feel honored to be amongst all of you. Thank you, Mr. Speaker.

Assemblymen Hettrick, Angle and Sherer requested a Roll Call vote on Amendment No. 774 to Senate Bill No. 97.

Roll call on Amendment No. 774 to Senate Bill No. 97:

YEAS—24.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—18.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 370 just returned from the printer, be placed on the General File.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 319 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

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

Assembly in recess at 7:51 p.m.

ASSEMBLY IN SESSION

At 7:52 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 319.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 904.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 680A.310 is hereby amended to read as follows:

680A.310 NRS 680A.300 does not apply to any of the following:

1. Life insurance and annuities.

2. Health insurance.

3. Policies covering property in transit while in the possession or custody of any common carrier, or the rolling stock or other property of any common carrier employed by it in the operation and maintenance of its plant and business as a common carrier of freight or passengers, or both.

4. Reinsurance or retrocessions made by or for authorized insurers.

5. Bid bonds issued in connection with any public or private contract.

6. A policy issued to a risk retention group, as defined in NRS 695E.110, or to a member of a risk retention group.

7. A policy issued to a person who is not a resident of this state.".

Amend sec. 10, page 4, by deleting lines 7 and 8 and inserting:

"*(f) Any credit information that reflects extraordinary circumstances in the life of an applicant or policyholder, including, without limitation, divorce and catastrophic illness.*".

Amend the title of the bill, first line, after "insurance;" by inserting: "providing an exception to the counter-signature requirement for certain types of insurance;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 494.

Bill read third time.

Roll call on Senate Bill No. 494:

YEAS—42.

NAYS—None.

Senate Bill No. 494 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 3.

Resolution read.

Roll call on Senate Joint Resolution No. 3:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 4.

Resolution read.

Roll call on Senate Joint Resolution No. 4:

YEAS—41.

NAYS—None.

NOT VOTING—Angle.

Senate Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 55.

Bill read third time.

Roll call on Senate Bill No. 55:

YEAS—42.

NAYS—None.

Senate Bill No. 55 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 136.

Bill read third time.

Remarks by Assemblyman Geddes.

Roll call on Senate Bill No. 136:

YEAS—42.

NAYS—None.

Senate Bill No. 136 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 192.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 192:

YEAS—19.

NAYS—Anderson, Andonov, Angle, Arberry, Beers, Brown, Carpenter, Christensen, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Knecht, Mabey, Perkins, Sherer, Weber—23.

Senate Bill No. 192 having failed to receive a two-thirds majority, Mr. Speaker pro Tempore declared it lost.

Senate Bill No. 240.
Bill read third time.
Roll call on Senate Bill No. 240:
YEAS—42.
NAYS—None.
Senate Bill No. 240 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 309.
Bill read third time.
Roll call on Senate Bill No. 309:
YEAS—42.
NAYS—None.
Senate Bill No. 309 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 280.
Bill read third time.
Roll call on Senate Bill No. 280:
YEAS—41.
NAYS—None.
NOT VOTING—Knecht.
Senate Bill No. 280 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 351.
Bill read third time.
Roll call on Senate Bill No. 351:
YEAS—42.
NAYS—None.
Senate Bill No. 351 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 174.
Bill read third time.
Roll call on Senate Bill No. 174:
YEAS—42.
NAYS—None.
Senate Bill No. 174 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 460.
Bill read third time.
Roll call on Senate Bill No. 460:
YEAS—42.
NAYS—None.
Senate Bill No. 460 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 534.
Bill read third time.
Roll call on Assembly Bill No. 534:
YEAS—42.
NAYS—None.
Assembly Bill No. 534 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 425.
Bill read third time.
Roll call on Senate Bill No. 425:
YEAS—41.
NAYS—Gustavson.
Senate Bill No. 425 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 491.
Bill read third time.
Roll call on Senate Bill No. 491:
YEAS—42.
NAYS—None.
Senate Bill No. 491 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 8:09 p.m.

ASSEMBLY IN SESSION

At 8:10 p.m.
Mr. Speaker presiding.
Quorum present.

Senate Bill No. 370.
Bill read third time.

Remarks by Assemblymen Griffin, Goldwater, Carpenter, Goicoechea, and Beers.

Roll call on Senate Bill No. 370:

YEAS—23.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Geddes, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—19.

Senate Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 97 and 319 just returned from the printer, be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 97.

Bill read third time.

Roll call on Senate Bill No. 97:

YEAS—24.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—18.

Senate Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 319.

Bill read third time.

Remarks by Assemblymen Goldwater, Hettrick, and Leslie.

Roll call on Senate Bill No. 319:

YEAS—37.

NAYS—Andonov, Brown, Christensen, Griffin, Weber—5.

Senate Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 8:24 p.m.

ASSEMBLY IN SESSION

At 8:30 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 153, 205, 294, 304, 315, 361, 419, 437, 485, 488, 507, and 522; Assembly Joint Resolution No. 4; Senate Bills Nos. 7, 8, 40, 43, 48, 50, 70, 83, 89, 105, 186, 197, 248, 266, 276, 281, 283, 299, 310, 313, 315, 322, 362, 363, 373, 378, 383, 387, 396, 401, 405, 408, 410, 422, 427, 429, 437, and 483; Senate Concurrent Resolutions Nos. 7, 10, and 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Flannigan and Bruce Rodela.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Remi Surges, Jennifer Grano, Conrad Kiyoshi, Jimmy Rodarte, Cory Bliss, Cristal Becerra, Marisa D'Mateo, Dawn Hollins, Elizabeth Gonzales, and Dean Stonecipher.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Mack and Paul Erickson.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Sanderson, Jason Sanderson, and John Sanderson.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Mabey and Jacob Mabey.

Assemblyman Oceguera moved that the Assembly adjourn until Saturday, May 24, 2003, at 10:30 a.m.

Motion carried.

Assembly adjourned at 8:31 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND ELEVENTH DAY

CARSON CITY (Saturday), May 24, 2003

Assembly called to order at 10:58 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Anderson, Atkinson, and Goldwater, who were excused.

Prayer by the Chaplain, Terry Sullivan.

Dear Lord, this morning we ask You for a shorter day so these hardworking folks can spend a little time with family and friends this weekend. We thank You for all that has been accomplished in this Chamber these past months. We pray that the rest of the session continues to be as smooth as it has been. And finally, we ask that everyone has a good horse to ride when they get home. Thank You, Lord.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 7, 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 41, 130, 136, 150, 236, 255, 267, 287, 291, 469, 471, 475, 504, 516, 526; Assembly Joint Resolutions Nos. 5, 6, 15; Assembly Joint Resolution No. 3 of the 71st Session; Senate Bill No. 496; Senate Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 21, Amendment No. 798; Assembly Bill No. 23, Amendment No. 850; Assembly Bill No. 30, Amendment No. 698; Assembly Bill No. 48, Amendment No. 664; Assembly Bill No. 57, Amendment No. 581; Assembly Bill No. 84, Amendment No. 767; Assembly Bill No. 160, Amendment No. 660; Assembly Bill No. 163, Amendments Nos. 860, 897, 661; Assembly Bill No. 168, Amendment No. 799; Assembly Bill No. 220, Amendment No. 801; Assembly Bill No. 223, Amendment No. 831; Assembly Bill No. 225, Amendment No. 760; Assembly Bill No. 239, Amendment No. 782; Assembly Bill No. 250, Amendment No. 741; Assembly Bill No. 293, Amendment No. 766; Assembly Bill No. 295, Amendment No. 762; Assembly Bill No. 325, Amendment No. 832; Assembly Bill No. 343, Amendment No. 710; Assembly Bill No. 355, Amendment No. 769;

Assembly Bill No. 358, Amendments Nos. 852, 621; Assembly Bill No. 369, Amendment No. 802; Assembly Bill No. 388, Amendment No. 848; Assembly Bill No. 393, Amendment No. 759; Assembly Bill No. 394, Amendment No. 830; Assembly Bill No. 396, Amendment No. 616; Assembly Bill No. 398, Amendment No. 857; Assembly Bill No. 401, Amendment No. 761; Assembly Bill No. 425, Amendment No. 763; Assembly Bill No. 429, Amendment No. 668; Assembly Bill No. 431, Amendment No. 803; Assembly Bill No. 432, Amendment No. 764; Assembly Bill No. 444, Amendment No. 833; Assembly Bill No. 452, Amendment No. 670; Assembly Bill No. 453, Amendment No. 711; Assembly Bill No. 459, Amendment No. 765; Assembly Bill No. 473, Amendment No. 772; Assembly Bill No. 502, Amendment No. 804; Assembly Bill No. 514, Amendment No. 768; Assembly Bill No. 529, Amendment No. 828; Assembly Bill No. 536, Amendments Nos. 770, 672, 898; Assembly Bill No. 541, Amendment No. 808, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 132, Senate Amendment No. 663, and requests a conference, and appointed Senators Wiener, Washington, and Townsend as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 28.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 420.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 620 to Senate Bill No. 24; Assembly Amendment No. 602 to Senate Bill No. 94; Assembly Amendment No. 564 to Senate Bill No. 183; Assembly Amendment No. 699 to Senate Bill No. 199; Assembly Amendment No. 563 to Senate Bill No. 204; Assembly Amendment No. 716 to Senate Bill No. 253; Assembly Amendment No. 715 to Senate Bill No. 287; Assembly Amendment No. 626 to Senate Bill No. 297; Assembly Amendment No. 629 to Senate Bill No. 307; Assembly Amendment No. 653 to Senate Bill No. 317; Assembly Amendment No. 720 to Senate Bill No. 327; Assembly Amendment No. 676 to Senate Bill No. 394.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 732 to Senate Bill No. 59.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 10.

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

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

Assembly in recess at 11:05 a.m.

ASSEMBLY IN SESSION

At 11:06 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley withdrew the motion that the resolution be referred to the Committee on Government Affairs.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 420.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 496.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 548 and 549; Senate Bill No. 416 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 324.

The following Senate amendment was read:

Amendment No. 723.

Amend the bill as a whole by deleting sections 1 through 52 and the text of repealed section and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Notwithstanding any specific statute to the contrary:

1. Except as otherwise provided in this section, the Department of Motor Vehicles may adopt regulations establishing a pilot program pursuant to which motor vehicles, other than motor vehicles registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and motor vehicles that have a declared gross weight in excess of 26,000 pounds, are registered for a period of 24 consecutive months.

2. In establishing a pilot program pursuant to this section, the Department of Motor Vehicles shall work in cooperation with:

(a) The Department of Taxation and the board of county commissioners of each county in which the pilot program will be carried out concerning the assessment and collection of any taxes imposed on motor vehicles participating in the pilot program, including, without limitation, the governmental services tax imposed pursuant to chapter 371 of NRS; and

(b) The State Environmental Commission and the local air pollution control agency for each county in which the pilot program will be carried out

concerning the testing of emissions of the motor vehicles participating in the pilot program. The State Environmental Commission, in consultation with the Department of Motor Vehicles, may adopt such regulations as are necessary to provide for the testing of emissions of motor vehicles participating in the pilot program.

3. The Department of Motor Vehicles may adopt regulations establishing a schedule of fees, including penalties, to be assessed on motor vehicles participating in a pilot program that corresponds to the fees that would otherwise be assessed on the registration of motor vehicles pursuant to chapter 482 of NRS. The amount of any fee adopted by regulation pursuant to this subsection for the 24-consecutive-month period of registration must not exceed the amount that would be assessed pursuant to its corresponding fee for that same period if the motor vehicle was not participating in the pilot program.

Sec. 2. If the Department of Motor Vehicles establishes a pilot program pursuant to section 1 of this act, the Department shall conduct a study of the pilot program and submit a report of the results of the study, together with any recommended legislation, to the Director of the Legislative Counsel Bureau on or before February 1, 2007, for transmittal to the 74th Regular Session of the Legislature.

Sec. 3. 1. This section and section 2 of this act become effective on July 1, 2003.

2. Section 1 of this act becomes effective on July 1, 2003, for the purpose of adopting regulations and on July 1, 2004, for all other purposes, and expires by limitation on June 30, 2007."

Amend the title of the bill to read as follows:

"AN ACT relating to motor vehicles; authorizing the Department of Motor Vehicles to establish a pilot program pursuant to which the period of registration for certain motor vehicles is expanded; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes Department of Motor Vehicles to establish pilot program pursuant to which period of registration for certain motor vehicles is expanded. (BDR 43-1097)".

Assemblywoman Ohrenschall moved that the Assembly concur in the Senate amendment to Assembly Bill No. 324.

Remarks by Assemblywoman Ohrenschall.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 396.

The following Senate amendment was read:

Amendment No. 616.

Amend section 1, page 1, line 2, after "the" by inserting "pilot".

Amend section 1, page 2, line 17, after "regarding the" by inserting "pilot".

Amend the title of the bill to read as follows:

"AN ACT relating to public schools; requiring the Clark County School District to continue its pilot program for the replacement of certain schools; authorizing the Clark County School District to use a certain amount of money from its Fund for Capital Projects to finance the replacement of schools designated for its pilot program; encouraging school districts throughout this state to use certain innovative designs and resources in reconstructing certain schools; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires Clark County School District to continue pilot program for replacement of certain schools. (BDR S-1007)".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 396.

Remarks by Assemblyman Williams.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 458.

The following Senate amendment was read:

Amendment No. 681.

Amend section 1, page 2, line 12, by deleting "*workday.*" and inserting: "*workday unless by mutual agreement the mechanic or workman works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.*".

Amend section 1, page 2, by deleting lines 17 and 18 and inserting: "*bargaining agreement for work in excess of:*

(a) Forty hours in any scheduled week of work; or

(b) Eight hours in any workday unless the collective bargaining agreement provides that the mechanic or workman shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 458.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 390.

The following Senate amendment was read:

Amendment No. 680.

Amend sec. 3, page 2, by deleting lines 26 through 28 and inserting: "*a public right-of-way that abuts his property, unless he:*

1. Failed to comply with an ordinance adopted pursuant to paragraph (d) of subsection 2 of section 1 of this act; or

2. Created a dangerous condition that caused the injury or damage.".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 390.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 217.

The following Senate amendment was read:

Amendment No. 582.

Amend the bill as a whole by renumbering sections 2 through 41 as sections 3 through 42 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 284.015 is hereby amended to read as follows:

284.015 As used in this chapter ~~[:]~~ *, unless the context otherwise requires:*

1. "Commission" means the Personnel Commission.

2. "Department" means the Department of Personnel.

3. "Director" means the Director of the Department.

4. "Disability," includes, but is not limited to, physical disability, mental retardation and mental or emotional disorder.

5. *"Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.*

6. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 217.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 60.

The following Senate amendment was read:

Amendment No. 656.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 62.080 is hereby amended to read as follows:

62.080 1. Except as otherwise provided in subsection 2 and NRS 62.081, if:

(a) A child is charged with an offense that would be a felony if committed by an adult; and

(b) The child was 14 years of age or older at the time he allegedly committed the offense, the juvenile court, upon a motion by the district attorney and after a full investigation, may retain jurisdiction or certify the child for proper criminal proceedings to any court that would have jurisdiction to try the offense if committed by an adult.

2. If a child:

(a) Is charged with:

(1) A sexual assault involving the use or threatened use of force or violence against the victim; or

(2) An offense or attempted offense involving the use or threatened use of a firearm; and

(b) Was 14 years of age or older at the time he allegedly committed the offense, the juvenile court, upon a motion by the district attorney and after a full investigation, shall certify the child for proper criminal proceedings to any court that would have jurisdiction to try the offense if committed by an adult, unless the court specifically finds by clear and convincing evidence that *the child is developmentally or mentally incompetent to understand his situation and the proceedings of the court or to aid his attorney in those proceedings or that* the child's actions were substantially the result of his substance abuse or emotional or behavioral problems and such substance abuse or problems may be appropriately treated through the jurisdiction of the juvenile court.

3. If a child is certified for criminal proceedings as an adult pursuant to subsection 1 or 2, the court shall also certify the child for criminal proceedings as an adult for any other related offense arising out of the same facts as the offense for which the child was certified, regardless of the nature of the related offense.

4. If a child has been certified for criminal proceedings as an adult pursuant to subsection 1 or 2 and his case has been transferred out of the juvenile court, original jurisdiction of his person for that case rests with the court to which the case has been transferred, and the child may petition for transfer of his case back to the juvenile court only upon a showing of exceptional circumstances. If the child's case is transferred back to the juvenile court, the judge of that court shall determine whether the exceptional circumstances warrant accepting jurisdiction.".

Amend the title of the bill, first line, after "court;" by inserting: "providing an additional exception to mandatory certification of a child for criminal proceedings as an adult;".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions pertaining to certification of child for criminal proceedings as adult. (BDR 5-280)".

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 60.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 107.

The following Senate amendment was read:

Amendment No. 725.

Amend section 1, page 2, by deleting lines 3 through 6 and inserting: "*shall be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a term equal to and in addition to the term of imprisonment prescribed by statute for that crime. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. The sentence prescribed by this section runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.*".

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 107.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 156.

The following Senate amendment was read:

Amendment No. 659.

Amend sec. 9, page 5, line 35, after "*inclusive,*" by inserting: "*and section 23.5 of this act,*".

Amend the bill as a whole by adding a new section designated sec. 23.5, following sec. 23, to read as follows:

"Sec. 23.5. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person may not provide a report or an evaluation concerning the competency of a defendant to stand trial or receive pronouncement of judgment pursuant to this section and NRS 178.400 to 178.460, inclusive, unless the person is certified by the Division of Mental Health and Developmental Services of the Department of Human Resources for that purpose.

2. The Division of Mental Health and Developmental Services shall adopt regulations to establish:

(a) Requirements for certification of a person who provides reports and evaluations concerning the competency of a defendant pursuant to this section and NRS 178.400 to 178.460, inclusive;

(b) Reasonable fees for issuing and renewing such certificates; and

(c) Requirements for continuing education for the renewal of a certificate.

3. The fees so collected must be used only to:

(a) Defray the cost of issuing and renewing certificates; and

(b) Pay any other expenses incurred by the Division of Mental Health and Developmental Services in carrying out its duties pursuant to this section.

4. The Division of Mental Health and Developmental Services shall establish and administer examinations to determine the eligibility of any person who applies for certification. An applicant is entitled to certification upon satisfaction of the requirements of the Division of Mental Health and Developmental Services. The Division of Mental Health and Developmental Services may enter into a contract with another person, organization or agency to carry out or assist in carrying out the provisions of this subsection.".

Amend the bill as a whole by adding a new section designated sec. 24.5, following sec. 24, to read as follows:

"Sec. 24.5. NRS 178.415 is hereby amended to read as follows:

178.415 1. Except as otherwise provided in this subsection, the court shall appoint two psychiatrists, two psychologists, or one psychiatrist and one psychologist, to examine the defendant. If the defendant is accused of a misdemeanor, the court of jurisdiction shall appoint a psychiatric social worker, or other person who is especially qualified by the Division of Mental Health and Developmental Services of the Department of Human Resources, to examine the defendant.

2. At a hearing in open court, the judge shall receive the report of the examination and shall permit counsel for both sides to examine the person or persons appointed to examine the defendant. The prosecuting attorney and the defendant may introduce other evidence and cross-examine one another's witnesses.

3. The court shall then make and enter its finding of competence or incompetence.

4. The court shall not appoint a person to provide a report or an evaluation pursuant to this section, unless the person is certified by the Division of Mental Health and Developmental Services pursuant to section 23.5 of this act.".

Amend the bill as a whole by adding a new section designated sec. 25.5, following sec. 25, to read as follows:

"Sec. 25.5. NRS 178.455 is hereby amended to read as follows:

178.455 1. Except as otherwise provided for persons charged with or convicted of a misdemeanor, the Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources or his designee shall appoint a licensed psychiatrist and a licensed psychologist from the treatment team *who is certified pursuant to section 23.5 of this act* to evaluate the defendant. The Administrator or his designee shall also appoint a third evaluator who must be a licensed psychiatrist or psychologist *, must be certified pursuant to section 23.5 of this act* and *must* not *be* a member of the treatment team. Upon the completion of the

evaluation and treatment of the defendant, the Administrator or his designee shall report to the court in writing his specific findings and opinion upon:

(a) Whether the person is of sufficient mentality to understand the nature of the offense charged;

(b) Whether the person is of sufficient mentality to aid and assist counsel in the defense of the offense charged, or to show cause why judgment should not be pronounced; and

(c) If the person is not of sufficient mentality pursuant to paragraphs (a) and (b) to be placed upon trial or receive pronouncement of judgment, whether there is a substantial probability that he will attain competency in the foreseeable future.

2. A copy of the report must be:

(a) Maintained by the Administrator of the Division of Mental Health and Developmental Services or his designee and incorporated in the medical record of the person; and

(b) Sent to the office of the district attorney and to the counsel for the outpatient or person committed.

3. In the case of a person charged with or convicted of a misdemeanor, the judge shall, upon receipt of the report set forth in NRS 178.450 from the Administrator of the Division of Mental Health and Developmental Services or his designee:

(a) Send a copy of the report by the Administrator or his designee to the prosecuting attorney and to the defendant's counsel;

(b) Hold a hearing, if one is requested within 10 days after the report is sent pursuant to paragraph (a), at which the attorneys may examine the Administrator or his designee or the members of the defendant's treatment team on the determination of the report; and

(c) Within 10 days after the hearing, if any, or 20 days after the report is sent if no hearing is requested, enter his finding of competence or incompetence in the manner set forth in subsection 4 of NRS 178.460.".

Amend the bill as a whole by renumbering sections 70 and 71 as sections 71 and 72 and adding a new section designated sec. 70, following sec. 69, to read as follows:

"Sec. 70. The Division of Mental Health and Developmental Services of the Department of Human Resources shall adopt regulations pursuant to section 23.5 of this act by not later than December 31, 2003, and shall begin administering examinations to determine eligibility for certification to provide reports and evaluations concerning the competency of a defendant pursuant to NRS 178.400 to 178.460, inclusive, by not later than March 1, 2004.".

Amend sec. 71, page 63, by deleting lines 13 through 27 and inserting

"Sec. 72. 1. This section and sections 1 to 23, inclusive, 24, 26 to 61, inclusive, 64, 65 and 68 to 71, inclusive, of this act become effective on July 1, 2003.

2. Section 23.5 of this act becomes effective on July 1, 2003, for the purpose of adopting regulations and on July 1, 2004, for all other purposes.

3. Sections 62 and 66 of this act become effective on July 1, 2003, and expire by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.

4. Sections 24.5 and 25.5 of this act become effective on July 1, 2004.

5. Sections 63 and 67 of this act become effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.".

Amend the title of the bill, third line, after "insanity;" by inserting: "requiring persons who provide reports or evaluations to the court concerning the competency of a defendant to stand trial or receive pronouncement of judgment to be certified by the Division of Mental Health and Developmental Services of the Department of Human Resources; requiring the Division to adopt regulations concerning the certification of such persons;".

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 156.

Remarks by Assemblyman Oceguera.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 166.

The following Senate amendment was read:

Amendment No. 743.

Amend section 1, page 1, line 5, after "*if*" by inserting: "*the transfer is*".

Amend section 1, page 2, by deleting line 10 and inserting: "*structured settlement was filed; or*".

Amend section 1, page 3, by deleting lines 10 and 11 and inserting:

"*(h) If adverse tax consequences exist, a statement which informs the payee that such a transfer may subject him to adverse tax consequences with regard to the payment of*".

Amend section 1, page 4, line 2, after "*encumbrance*" by inserting: "*by a payee for consideration*".

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 166.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 365.

The following Senate amendment was read:

Amendment No. 671.

Amend sec. 62, page 25, line 14, by deleting: "of a proceeding for guardianship" and inserting: "~~[of a proceeding for]~~ *in a* guardianship *proceeding*".

Amend sec. 62, page 25, line 23, by deleting "*The attorney*" and inserting: "*Subject to the discretion and approval of the court, the attorney*".

Amend sec. 62, page 25, by deleting lines 25 and 26 and inserting: "*estate of the adult ward or proposed adult ward. If the court finds that a person has*".

Amend sec. 72, page 35, line 17, by deleting "*shall*" and inserting "*may*".

Amend sec. 72, page 35, by deleting lines 26 through 32 and inserting: "*who is a resident of this state, if the court finds that the interests of the ward will be served appropriately by the appointment of a private fiduciary.*".

Amend sec. 107, page 53, by deleting line 4 and inserting:

"159.183 ~~[A guardian shall]~~

1. Subject to the discretion and approval of the court, a guardian must be allowed ~~[reasonable]~~ .".

Amend sec. 107, page 53, by deleting lines 12 through 15 and inserting:

"*2.* Reasonable compensation and services ~~[will]~~ *must* be based upon similar services performed for persons who are not under a legal disability. *In determining whether compensation is reasonable, the court may consider:*

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the ward. In evaluating the ability of a ward to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the ward's assets;

(b) The disposable net income of the ward;

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.".

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 365.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 125.

The following Senate amendment was read:

Amendment No. 679.

Amend sec. 2, page 3, by deleting line 28 and inserting: "NRS 293.1715. The list [~~must not~~] *may* be amended [~~after it is filed.~~] *not later than 5 p.m. on the second Friday after the first Monday in May.*".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 125.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 293.

The following Senate amendment was read:

Amendment No. 766.

Amend section 1, page 2, line 36, by deleting "*and*".

Amend section 1, page 2, line 37, after "*(f)*" by inserting: "*Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):*

(1) The fiscal impact of the initiative or referendum;

(2) The environmental impact of the initiative or referendum; and

(3) The impact of the initiative or referendum on the public health, safety and welfare; and

(g)".

Amend section 1, page 2, line 38, by deleting: "*(d) and (e)*" and inserting: "*(d), (e) and (f)*".

Amend sec. 5, page 7, line 2, by deleting "100,000" and inserting "[~~100,000~~] *40,000*".

Amend sec. 5, page 7, by deleting lines 4 through 7 and inserting: "ballot by [~~the~~] *:*

(a) The board or county clerk, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160 [~~,~~] *;*

(b) The governing body of a school district, public library or water".

Amend sec. 5, page 7, line 9, by deleting "*county,*" and inserting: "*county; or*

(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county,".

Amend sec. 5, page 8, line 9, by deleting "100,000" and inserting "[~~100,000~~] *40,000*".

Amend sec. 5, page 8, line 23, by deleting "and" and inserting "[~~and~~]".

Amend sec. 5, page 8, line 24, after "(f)" by inserting: "*Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):*

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g)".

Amend sec. 5, page 8, line 25, by deleting "and (e)" and inserting: "*, (e)* and ~~[(e)]~~ *(f)*".

Amend sec. 5, page 8, line 28, by deleting "100,000" and inserting "~~[100,000]~~ *40,000*".

Amend sec. 5, page 9, line 14, by deleting "100,000:" and inserting "~~[100,000:]~~ *40,000:*".

Amend sec. 6, page 9, line 29, by deleting "60,000" and inserting "~~[60,000]~~ *10,000*".

Amend sec. 6, page 10, line 34, by deleting "60,000" and inserting "~~[60,000]~~ *10,000*".

Amend sec. 6, page 11, line 4, by deleting "and" and inserting "~~[and]~~".

Amend sec. 6, page 11, line 5, after "(f)" by inserting: "*Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):*

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g)".

Amend sec. 6, page 11, line 6, by deleting "and (e)" and inserting: "*, (e)* and ~~[(e)]~~ *(f)*".

Amend sec. 6, page 11, line 8, by deleting "60,000" and inserting "~~[60,000]~~ *10,000*".

Amend sec. 6, page 11, line 37, by deleting "60,000:" and inserting "~~[60,000:]~~ *10,000:*".

Amend the title of the bill, third line, after "questions;" by inserting: "revising the population used to determine whether a board of county commissioners or city council is required to appoint committees to prepare arguments and rebuttals for certain ballot questions voted upon in the county or city;".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 293.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 528.

The following Senate amendment was read:

Amendment No. 827.

Amend sec. 20, page 16, by deleting lines 35 through 37 and inserting: "*for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.*".

Amend the bill as a whole by renumbering sec. 22 as sec. 23 and adding a new section designated sec. 22, following sec. 21, to read as follows:

"Sec. 22. Section 11 of Assembly Bill No. 233 of this session is hereby amended to read as follows:

Sec. 11. NRS 293C.370 is hereby amended to read as follows:

293C.370 *Except as otherwise provided in section 3 of this act:*

1. Whenever a candidate whose name appears upon the ballot at a primary city election dies after 5 p.m. of the first Tuesday after the first Monday in March, his name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary city election receives the number of votes required to receive the nomination to the office for which he was a candidate, the nomination is filled as provided in subsection 2 of NRS 293C.190.

3. Whenever a candidate whose name appears upon the ballot at a general city election dies after 5 p.m. of the second Tuesday after the second Monday in April, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, he shall be deemed elected and the office to which he was elected shall be deemed vacant at the beginning of the term for which he was elected. The vacancy created must be filled in the same manner as if the candidate had died after taking office for that term.".

Amend the title of the bill, pages 1 and 2, by deleting the twenty-third line on page 1 and the first and second lines on page 2, and inserting: "filing late campaign reports against certain public officers or candidates for public office; and providing other matters properly".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 528.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 529.

The following Senate amendment was read:

Amendment No. 828.

Amend section 1, page 1, by deleting line 2 and inserting: "adding thereto a new section to read as follows:

1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362. Upon request, the Secretary of State shall provide a copy of the form to each person, committee, political party and group that is required to file such reports.

2. The form designed pursuant to subsection 1 must include a space for each person, committee, political party or group completing the form to list:

(a) The amount of cash on hand at the beginning of the reporting period;

(b) The amount of cash on hand at the beginning of the reporting year;

(c) The amount of cash on hand at the end of the reporting period;

(d) The amount of cash on hand at the end of the reporting year;

(e) A summary of the contributions received and the expenses or expenditures made by the person, committee, political party or group during only the current reporting period;

(f) A summary of the contributions received and the expenses or expenditures made by the person, committee, political party or group during the reporting year, including the current and each previous reporting period during the reporting year;

(g) Each campaign contribution in excess of $100 as it is received by the person, committee, political party or group during the reporting period and each contribution from a contributor which cumulatively exceeds $100 as it is received by the person, committee, political party or group during the reporting period; and

(h) Each campaign expense or expenditure in excess of $100 as it is made by the person, committee, political party or group during the reporting period.".

Amend the bill as a whole by deleting sections 2 and 3 and adding:

"Secs. 2 and 3. (Deleted by amendment.)".

Amend sec. 4, page 10, by deleting lines 28 through 30 and inserting: "*must be completed* on ~~[forms]~~ *the form* designed and provided by the Secretary of State pursuant to *section 1 of* this ~~[section and NRS 294A.362.]~~ *act.* Each form must be".

Amend sec. 4, page 11, by deleting lines 1 and 2 and inserting: "*must be completed on the form designed and provided by the Secretary of State pursuant to section 1 of this act. Each form must be signed by the*".

Amend sec. 4, page 11, by deleting lines 16 through 18 and inserting: "*must be completed* on ~~[forms]~~ *the form* designed and provided by the Secretary of State pursuant to *section 1 of* this ~~[section and NRS 294A.362.]~~ *act.* Each form must be".

Amend sec. 4, page 11, by deleting lines 23 through 25 and inserting: "that he receives on ~~[forms]~~ *the form* designed and provided by the Secretary of State pursuant to *section 1 of* this ~~[section and NRS 294A.362,]~~ *act,* and signed by the".

Amend sec. 4, page 11, by deleting lines 35 through 40 and inserting: "the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail *or transmit* the report to that officer by *regular mail,* certified".

Amend sec. 4, pages 11 and 12, by deleting lines 44 and 45 on page 11 and lines 1 through 14 on page 12, and inserting:

" ~~5.]~~ *to be filed with the officer:*

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. Every county clerk who receives from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to ~~[subsection 4]~~ *this section* shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.

~~[6.]~~ *8.* The name and address of the contributor and the date on".

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held, shall, for:

(a) The year in which he receives contributions in excess of $10,000, list each of the contributions that he receives and the expenditures in excess of $100 made in that year.

(b) Each year after the year in which he received contributions in excess of $10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions that he received and the expenditures in excess of $100 made in that year.

2. The reports required by subsection 1 must be submitted on ~~[forms]~~ *the form* designed and provided by the Secretary of State pursuant to ~~[this section and NRS 294A.362.]~~ *section 1 of this act.* Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

4. ~~[The forms designed and provided by the Secretary of State for the reporting of contributions and expenditures pursuant to this section must be designed to be used by a candidate to record in the form of a list each campaign contribution as he receives it and each expenditure as it is made.~~

~~5.]~~ The report must be filed:

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail *or transmit* the report to that officer by *regular mail,* certified mail ~~[. If certified mail is used, the date of mailing]~~ *, facsimile machine or electronic means. A report* shall be deemed ~~[the date of filing.]~~ *to be filed with the officer:*

(1) On the date it was mailed if it was sent by certified mail.

(2) On the date it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

(b) On or before January 15 of the year immediately after the year for which the report is made.

~~[6.]~~ *5.* A county clerk who receives from a candidate for legislative or judicial office, except the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 5 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.".

Amend sec. 5, page 13, by deleting lines 29 through 31 and inserting: "*must be completed* on the form designed and provided by the Secretary of State ~~[and shall sign the report]~~ *pursuant to section 1 of this act. The form must be signed by the person or a*".

Amend sec. 5, page 14, by deleting lines 23 and 24 and inserting: "*must be completed on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The form must be signed by the*".

Amend sec. 5, page 14, by deleting lines 41 and 42 and inserting: "*must be completed on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The form must be signed by the*".

Amend sec. 5, page 15, by deleting lines 8 and 9 and inserting: "*exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to section 1 of this act and signed by*".

Amend sec. 5, page 15, by deleting line 23 and inserting: "*clerk of that county;*".

Amend sec. 5, page 15, by deleting line 25 and inserting: "*that city; or*".

Amend sec. 5, page 15, by deleting line 29 and inserting: "officer by *regular*".

Amend sec. 5, page 15, by deleting lines 33 through 45 and inserting: "~~4.]~~ *to be filed with the officer:*

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to ~~[subsection 3]~~ *this section* shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.".

Amend sec. 6, page 16, by deleting lines 16 and 17 and inserting: "*$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The form must*".

Amend sec. 6, page 17, by deleting lines 15 and 16 and inserting: "*must be completed* on the form designed and provided by the Secretary of State *pursuant to section 1 of this act* and".

Amend sec. 6, page 18, by deleting lines 15 and 16 and inserting: "*must be completed on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The form must be signed by the*".

Amend sec. 6, page 18, by deleting lines 30 and 31 and inserting: "*must be completed on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The form must be signed by the*".

Amend sec. 6, page 18, by deleting lines 37 and 38 and inserting: "*contributions received on the form designed and provided by the Secretary of State pursuant to section 1 of this act and signed by the person or a*".

Amend sec. 6, page 19, by deleting line 6 and inserting: "*county clerk of that county;*".

Amend sec. 6, page 19, by deleting line 8 and inserting: "*clerk of that city; or*".

Amend sec. 6, page 19, line 11, after "*8.*" by inserting: "*A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:*

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9.".

Amend sec. 6, page 19, by deleting lines 15 through 28 and inserting: "~~[4.]~~ *10.* Each county clerk or city clerk who receives a report pursuant to ~~[subsection 3]~~ *this section* shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.".

Amend sec. 8, page 21, by deleting lines 18 and 19 and inserting: "*NRS 294A.160 during the period on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The form must be signed*".

Amend sec. 8, page 22, by deleting lines 5 through 7 and inserting: "incurs during the period on ~~[forms]~~ *the form* designed and provided by the Secretary of State pursuant to *section 1 of* this ~~[section and NRS 294A.362.]~~ *act.* Each form must".

Amend sec. 8, page 22, by deleting lines 21 and 22 and inserting: "*incurs during the period on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The form must be signed by the*".

Amend sec. 8, page 22, by deleting lines 34 through 36 and inserting: "incurs during the period on ~~[forms]~~ *the form* designed and provided by the Secretary of State pursuant to *section 1 of* this ~~[section and NRS 294A.362.]~~ *act.* Each form must".

Amend sec. 8, page 22, by deleting lines 41 through 43 and inserting: "expenses in excess of $100 that he incurs on ~~[forms]~~ *the form* designed and provided by the Secretary of State pursuant to *section 1 of* this ~~[section and NRS 294A.362]~~ *act*".

Amend sec. 8, page 23, by deleting lines 10 through 23 and inserting: "officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail *or transmit* the report to that officer by *regular mail,* certified mail ~~[. If certified mail is used, the date of mailing]~~ *, facsimile machine or electronic means. A report* shall be deemed ~~[the date of filing.~~

~~5.]~~ *to be filed with the officer:*

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. County clerks who receive from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to ~~[subsection 4]~~ *this section* shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.

~~[6. The forms designed and provided by the Secretary of State~~".

Amend sec. 8, page 23, by deleting lines 26 through 36 and inserting: "~~each campaign expense as he incurs it.]~~".

Amend sec. 9, page 24, by deleting lines 8 and 9 and inserting: "*in excess of $100 on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The form must be signed by the*".

Amend sec. 9, pages 24 and 25, by deleting lines 44 and 45 on page 24 and line 1 on page 25, and inserting: "*in the group of candidates* in excess of $100 on ~~[forms]~~ *the form* designed and provided by the Secretary of State ~~[and]~~ *pursuant to section 1 of this act. The form must be* signed by".

Amend sec. 9, page 25, by deleting lines 26 and 27 and inserting: "*candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The form must be signed by*".

Amend sec. 9, page 25, by deleting lines 43 and 44 and inserting: "*candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The form must be signed by*".

Amend sec. 9, page 26, by deleting lines 9 and 10 and inserting: "*excess of $100 on the form designed and provided by the Secretary of State pursuant to section 1 of this act and signed by the person or a*".

Amend sec. 9, page 26, by deleting line 31 and inserting: "*clerk of that county;*".

Amend sec. 9, page 26, by deleting line 33 and inserting: "*that city; or*".

Amend sec. 9, pages 26 and 27, by deleting lines 39 through 44 on page 26 and lines 1 through 3 on page 27, and inserting: "*mail or transmit* his report to the appropriate officer by *regular mail,* certified mail ~~[. If certified mail is used, the date of mailing]~~ *, facsimile machine or electronic means. A report* shall be deemed ~~[the date of filing.~~

~~4.]~~ *to be filed with the officer:*

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. ~~Each county clerk or city clerk who receives a report pursuant to [subsection 3]~~ *this section* ~~shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.~~

~~[5. The forms designed and provided by the Secretary of State~~".

Amend sec. 9, page 27, by deleting lines 6 through 16 and inserting: "~~record in the form of a list each expenditure as it is made.]~~".

Amend sec. 10, page 27, by deleting lines 32 and 33 and inserting: "*on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The form must be signed by the person or a representative*".

Amend sec. 10, page 28, by deleting lines 29 and 30 and inserting: "on the form designed and provided by the Secretary of State *pursuant to section 1 of this act* and signed by the".

Amend sec. 10, page 29, by deleting lines 16 and 17 and inserting: "*group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The*".

Amend sec. 10, page 29, by deleting lines 31 and 32 and inserting: "*group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to section 1 of this act. The*".

Amend sec. 10, page 29, by deleting lines 41 and 42 and inserting: "*ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to section 1 of this act and signed by the person or a*".

Amend sec. 10, page 30, by deleting line 20 and inserting: "*county clerk of that county;*".

Amend sec. 10, page 30, by deleting line 22 and inserting: "*clerk of that city; or*".

Amend sec. 10, page 30, by deleting lines 28 through 36 and inserting: "*mail or transmit* his report to the appropriate filing officer by *regular mail,* certified mail ~~[. If certified mail is used, the date of mailing]~~ *, facsimile machine or electronic means. A report* shall be deemed ~~[the date of filing.~~

~~4.]~~ *to be filed with the filing officer:*

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. ~~Each county clerk or city clerk who receives a report pursuant to [subsection 3]~~ *this section* ~~shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.~~

~~[5. The form designed and provided by the Secretary of State~~".

Amend sec. 10, pages 30 and 31, by deleting lines 39 through 44 on page 30 and lines 1 and 2 on page 31, and inserting:

"~~record in the form of a list each expenditure as it is made.~~]".

Amend sec. 11, page 31, by deleting lines 13 and 14 and inserting: "excess of $100 on ~~[a]~~ *the* form *designed and* provided by the Secretary of State ~~[and]~~ *pursuant to section 1 of this act. The form*".

Amend sec. 12, page 32, by deleting lines 16 and 17 and inserting: "$100 on ~~[a]~~ *the* form *designed and* provided by the Secretary of State ~~[and]~~ *pursuant to section 1 of this act. The form must be* signed".

Amend sec. 14, page 34, line 44, by deleting "~~[294A.125 and~~" and inserting "294A.125 ~~[and~~".

Amend sec. 14, page 35, line 1, after "~~appropriate,~~]" by inserting ",".

Amend sec. 14, page 35, line 3, by deleting "~~[294A.125,~~]" and inserting "294A.125,".

Amend sec. 14, page 35, by deleting lines 4 and 5 and inserting: "shall ~~[file a separate form relating only to~~] *report on the form designed and provided by the Secretary of State pursuant to section 1 of this act* goods".

Amend sec. 14, page 35, by deleting line 8 and inserting: "campaign contribution *in excess of $100 that* he receives *during the reporting period, each such campaign contribution from a contributor received during the reporting period which cumulatively exceeds $100,* and each *such* expense in excess of".

Amend sec. 14, page 35, by deleting line 33 and inserting: "*designed and provided by the Secretary of State pursuant to section 1 of this act.*".

Amend sec. 15, page 35, line 39, by deleting "~~[294A.125 and]~~" and inserting "294A.125 and".

Amend the bill as a whole by deleting sec. 16 and adding:

"Sec. 16. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 21 and adding a new section designated sec. 21, following sec. 20, to read as follows:

"Sec. 21. NRS 281.471 is hereby amended to read as follows:

281.471 The Commission shall:

1. Adopt procedural regulations:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of a request for an opinion with the Commission;

(c) For the withdrawal of a request for an opinion by the person who filed the request; and

(d) To facilitate the prompt rendition of opinions by the Commission.

2. Prescribe, by regulation, forms *for the submission of statements of financial disclosure* and procedures for the submission of statements of financial disclosure *filed pursuant to section 19 of this act* and *forms and procedures for the submission of* statements of acknowledgment filed by public officers pursuant to NRS 281.552, maintain files of such statements and make the statements available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. ~~[Inform]~~ *Except as otherwise provided in section 19 of this act, inform* the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish a manual for the use of public officers and employees that contains:

(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281.511, for the future guidance of all persons concerned with ethical standards in government;

(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281.511; and

(c) An abstract of the requirements of this chapter. The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the abstracts and published opinions of the Commission.".

Amend sec. 22, page 41, by deleting lines 30 and 31, and inserting: "Commission pursuant to *section 19 of this act or the Secretary of State pursuant to* NRS 281.561.".

Amend sec. 23, pages 41 and 42, by deleting lines 44 and 45 on page 41 and line 1 on page 45, and inserting:

"~~question,~~] *that office,* he shall file with the ~~[Commission, and with the officer with whom declarations of candidacy for the office in question are filed,~~] *Secretary of State* a statement of".

Amend sec. 23, page 42, by deleting lines 4 and 5 and inserting: "office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office ~~[~~.".

Amend sec. 23, page 42, by deleting lines 9 through 11 and inserting:

"~~(c) Every public officer, whether appointed or elected,~~] *; and*".

Amend sec. 23, page 43, by deleting lines 2 through 6 and inserting: "*section must be filed on the form prescribed by the Commission pursuant to NRS 281.471.*

5. The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.".

Amend sec. 24, page 43, by deleting line 11 and inserting: "the Commission ~~[,~~] *or* Secretary of State ~~[, county clerk and city clerk~~] for 6".

Amend the bill as a whole by deleting sec. 25 and adding:

"Sec. 25. (Deleted by amendment.)".

Amend sec. 27, page 44, line 29, by deleting "294A.125,".

Amend the bill as a whole by adding a new section designated sec. 28.5 following sec. 28, to read as follows:

"Sec. 28.5. A financial disclosure statement filed with a county clerk or city clerk before January 1, 2004, must be retained by the county clerk or city clerk for 6 years after the date of filing.".

Amend the text of repealed sections by deleting the text of NRS 294A.125.

Amend the title of the bill, by deleting the first through sixth lines and inserting:

"AN ACT relating to elections; revising the requirements for the form used for reporting campaign contributions and expenditures; eliminating the requirement to report campaign expenses and expenditures that have been contracted for but not paid during a reporting period; eliminating the requirement to report campaign contributions of $100 or less under certain circumstances; revising the dates for filing".

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 529.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 541.

The following Senate amendment was read:

Amendment No. 808.

Amend the bill as a whole by adding new sections designated sections 2.3 and 2.7, following sec. 2, to read as follows:

"Sec. 2.3. NRS 293.263 is hereby amended to read as follows:

293.263 On the primary ballots for a major political party the name of the major political party must appear at the top of the ballot. ~~[Following]~~ *Except as otherwise provided in section 1 of this act, following* this designation must appear the names of candidates grouped alphabetically under the title and length of term of the partisan office for which those candidates filed.

Sec. 2.7. NRS 293.265 is hereby amended to read as follows:

293.265 On nonpartisan primary ballots there must appear at the top of the ballot the designation "Candidates for nonpartisan offices." ~~[Following]~~ *Except as otherwise provided in section 1 of this act, following* this designation must appear the names of candidates grouped alphabetically under the title and length of term of the nonpartisan office for which those candidates filed.".

Amend sec. 3, page 5, line 35, by deleting "Names" and inserting: "~~[Names]~~ *Except as otherwise provided in section 1 of this act, names*".

Amend the bill as a whole by deleting sec. 4 and adding:

"Sec. 4. (Deleted by amendment.)".

Amend sec. 5, page 7, line 41, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 5, page 8, line 1, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 6, page 8, lines 29 and 30, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 8, page 10, line 45, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 9, page 11, lines 28 and 32, by deleting "*Saturday*" and inserting "*Sunday*".

Amend sec. 10, page 13, line 20, by deleting "*Saturday*" and inserting "*Sunday*".

Amend the bill as a whole by deleting sec. 13 and adding new sections designated sections 12.5 and 13, following sec. 12, to read as follows:

"Sec. 12.5. NRS 293C.257 is hereby amended to read as follows:

293C.257 For a primary city election there must appear at the top of each ballot the designation "Candidates for city offices." ~~[Following]~~ *Except as otherwise provided in section 1 of this act, following* this designation must appear the names of candidates grouped alphabetically under the title and length of term of the office for which those candidates filed.

Sec. 13. NRS 293C.260 is hereby amended to read as follows:

293C.260 1. Except as otherwise provided in NRS 293C.140, ballots for a general city election must contain the names of candidates who were nominated at the primary city election.

2. ~~[The]~~ *Except as otherwise provided in section 1 of this act, the* names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.".

Amend sec. 14, page 18, line 33, by deleting "*Saturday*" and inserting "*Sunday*".

Amend the title of the bill by deleting the fifth through seventh lines and inserting: "order; extending the".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 541.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 160.

The following Senate amendment was read:

Amendment No. 660.

Amend section 1, pages 1 and 2, by deleting lines 2 through 5 on page 1 and lines 1 through 15 on page 2, and inserting: "thereto the provisions set forth as sections 2 and 3 of this act.".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. *1. If a court issues an extended order which includes an order for the support of a minor child, the court shall order the adverse party to assign to the party who obtained the extended order that portion of the income of the adverse party which is due or to become due and is sufficient*

to pay the amount ordered by the court for the support, unless the court finds good cause for the postponement of the assignment. A finding of good cause must be based upon a written finding by the court that the immediate assignment of income would not be in the best interests of the child.

2. An assignment of income ordered pursuant to subsection 1 is subject to the provisions of chapters 31A and 125B of NRS.

3. The Welfare Division of the Department of Human Resources, in consultation with the Office of Court Administrator and other interested governmental entities, shall develop procedures and forms to allow a person to whom an assignment is ordered to be made to enforce the assignment in an expeditious and safe manner.

Sec. 3. *1. If the current address where the adverse party resides is unknown and the law enforcement agency has made at least two attempts to personally serve the adverse party at his current place of employment, the law enforcement agency or a person designated by the law enforcement agency may serve the adverse party by:*

(a) Delivering a copy of the application for an extended order, the notice of hearing thereon and a copy of the temporary order to the current place of employment of the adverse party; and

(b) Thereafter, mailing a copy of the application for an extended order, the notice of hearing thereon and a copy of the temporary order to the adverse party at his current place of employment.

2. Delivery pursuant to paragraph (a) of subsection 1 must be made by leaving a copy of the documents specified at the current place of employment of the adverse party with the manager of the department of human resources or another similar person. Such a person shall:

(a) Accept service of the documents and make a reasonable effort to deliver the documents to the adverse party;

(b) Identify another appropriate person who will accept service of the documents and who shall make a reasonable effort to deliver the documents to the adverse party; or

(c) Contact the adverse party and arrange for the adverse party to be present at the place of employment to accept service of the documents personally.

3. After delivering the documents to the place of employment of the adverse party, a copy of the documents must be mailed to the adverse party by first-class mail to the place of employment of the adverse party in care of the employer.

4. The adverse party shall be deemed to have been served 10 days after the date on which the documents are mailed to the adverse party.

5. Upon completion of service pursuant to this section, the law enforcement agency or the person designated by the law enforcement agency who served the adverse party in the manner set forth in this section shall file with or mail to the clerk of the court proof of service in this manner.

6. An employer is immune from civil liability for any act or omission with respect to accepting service of documents, delivering documents to the adverse party or contacting the adverse party and arranging for the adverse party to accept service of the documents personally pursuant to this section, if the employer acts in good faith with respect to accepting service of documents, delivering documents to the adverse party or contacting the adverse party and arranging for the adverse party to accept service of the documents personally.".

Amend sec. 2, page 2, line 18, by deleting "*section 1*" and inserting: "*sections 2 and 3*".

Amend the bill as a whole by renumbering sections 3 through 15 as sections 6 through 18 and adding a new section designated sec. 5, following sec. 2, to read as follows:

"Sec. 5. NRS 33.060 is hereby amended to read as follows:

33.060 1. The court shall transmit, by the end of the next business day after the order is issued, a copy of the temporary or extended order to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the applicant or the minor child.

2. The court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the temporary order and to file with or mail to the clerk of the court proof of service by the end of the next business day after service is made. Service of an application for an extended order and the notice of hearing thereon must be served upon the adverse party ~~[pursuant]~~ *:*

(a) Pursuant to the Nevada Rules of Civil Procedure ~~[.]~~ *; or*

(b) In the manner provided in section 3 of this act.

3. A law enforcement agency shall enforce a temporary or extended order without regard to the county in which the order was issued.

4. The clerk of the court shall issue, without fee, a copy of the temporary or extended order to the applicant and the adverse party.".

Amend sec. 4, page 2, line 40, by deleting: "5 to 13," and inserting: "8 to 16,".

Amend sec. 5, page 2, line 42, by deleting: "*5 to 13,*" and inserting: "*8 to 16,*".

Amend sec. 5, page 2, line 43, by deleting: "*6 to 9,*" and inserting: "*9 to 12,*".

Amend sec. 11, page 3, line 29, by deleting "*13*" and inserting "*16*".

Amend sec. 11, page 3, line 33, by deleting "*10*" and inserting "*13*".

Amend sec. 12, page 3, line 34, by deleting "*11*" and inserting "*14*".

Amend sec. 13, page 3, line 42, by deleting "*11*" and inserting "*14*".

Amend sec. 14, page 4, lines 17, 21 and 27, by deleting "*1*" and inserting "*2*".

Amend sec. 15, page 5, line 19, by deleting "*1*" and inserting "*2*".

Amend the title of the bill, fourth line, after "circumstances;" by inserting: "providing an additional manner of service of certain documents upon the adverse party under certain circumstances;".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 160.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 212.

The following Senate amendment was read:

Amendment No. 604.

Amend section 1, page 2, between lines 22 and 23, by inserting:

"*4. If a purchaser specified in subsection 1 commences an action specified in subsection 3 against a person who is licensed pursuant to this chapter, the purchaser must serve a copy of the complaint upon the Administrator within 30 days after the action is commenced.*".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. The provisions of subsection 4 of NRS 489.4971, as enacted by section 1 of this act, do not apply to an action that is commenced before the effective date of this act.".

Amend the title of the bill to read as follows:

"AN ACT relating to manufactured housing; revising certain fees that fund the Account for Education and Recovery Relating to Manufactured Housing; requiring purchasers who commence an action that may result in payment from the Account to serve a copy of the complaint upon the Administrator of the Manufactured Housing Division of the Department of Business and Industry; prohibiting certain licensees from recovering damages from the Account under certain circumstances; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 212.

Remarks by Assemblywoman Buckley.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 11:40 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 230.

The following Senate amendment was read:

Amendment No. 608.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. Chapter 461A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Corporate cooperative park" has the meaning ascribed to it in NRS 118B.0117.*

Sec. 3. *1. The board of directors of a mobile home park owned or leased by a nonprofit organization must consist of a number of members such that one-third of the members of the board are elected by the residents of the park, one-third of the members of the board are appointed by the governing body of the local government with jurisdiction over the location of the park and one-third of the members of the board are appointed by the nonprofit organization owning or leasing the park.*

2. The provisions of this section do not apply to a corporate cooperative park.

Sec. 4. NRS 461A.010 is hereby amended to read as follows:

461A.010 As used in this chapter, unless the context otherwise requires, the *words and* terms defined in NRS 461A.020 to 461A.065, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 461A.230 is hereby amended to read as follows:

461A.230 1. Each mobile home park constructed after July 1, 1981, but before October 1, 1989, must provide direct electrical and gas service from a utility or an alternative seller to each lot if those services are available.

2. Each mobile home park constructed after October 1, 1989, must provide direct:

(a) Electrical and gas service from a public utility or an alternative seller, or a city, county or other governmental entity which provides electrical or gas service, to each lot if those services are available.

(b) Water service from a public utility or a city, county or other governmental entity which provides water service, the provisions of NRS 704.230 notwithstanding, to the park if that service is available.

3. ~~[In]~~ *Except as otherwise provided in subsection 4, in* a county whose population is 400,000 or more, each mobile home park constructed after October 1, 1995, must provide direct water service, as provided in paragraph (b) of subsection 2, that is connected to individual meters for each lot. The individual meters must be installed in compliance with any uniform design and construction standards adopted by the public utility or city, county or other governmental entity which provides water service in the county.

4. *The provisions of subsection 3:*

(a) Do not apply to a mobile home park constructed after October 1, 1995, if the mobile home park is operated by:

(1) A public housing authority; or

(2) A nonprofit corporation. As used in this subparagraph, "nonprofit corporation" does not include a corporate cooperative park.

(b) Do not prohibit a mobile home park constructed on or before October 1, 1995, from expanding the number of lots in the mobile home park if the expansion can be accommodated under the capacity, as it existed on October 1, 1995, of the service connection to the master meter for the mobile home park.

5. As used in this section, "alternative seller" has the meaning ascribed to it in NRS 704.994.

Sec. 6. This act becomes effective on July 1, 2003.".

Amend the title of the bill, third line, by deleting "removing" and inserting: "providing exceptions to".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 230.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 288.

The following Senate amendment was read:

Amendment No. 707.

Amend section 1, page 1, line 1, by deleting "129" and inserting "609".

Amend the bill as a whole by deleting sec. 15 and adding:

"Sec. 15. (Deleted by amendment.)".

Amend sec. 16, page 7, lines 19 and 20, by deleting: "*Unless the granting of a petition has been revoked pursuant to section 15 of this act, if*" and inserting "*If*".

Amend sec. 17, page 7, by deleting lines 33 through 35 and inserting: "*petition or to grant or deny a motion to modify the amount or percentage of the net earnings of a minor to be set aside is a matter*".

Amend the bill as a whole by deleting sec. 19 and adding:

"Sec. 19. (Deleted by amendment.)".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 288.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 451.

The following Senate amendment was read:

Amendment No. 669.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 617.453 is hereby amended to read as follows:

617.453 1. Notwithstanding any other provision of this chapter, cancer, resulting in either temporary or permanent disability, or death, is an occupational disease and compensable as such under the provisions of this chapter if:

(a) The cancer develops or manifests itself out of and in the course of the employment of a person who, for 5 years or more, has been:

(1) Employed in this state in a full-time salaried occupation of fire fighting for the benefit or safety of the public; or

(2) Acting as a volunteer fireman in this state and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; and

(b) It is demonstrated that:

(1) He was exposed, while in the course of the employment, to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program; and

(2) The carcinogen is reasonably associated with the disabling cancer.

2. *With respect to a person who, for 5 years or more, has been employed in this state in a full-time salaried occupation of fire fighting for the benefit or safety of the public, the following substances shall be deemed, for the purposes of paragraph (b) of subsection 1, to be known carcinogens that are reasonably associated with the following disabling cancers:*

(a) Diesel exhaust, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with bladder cancer.

(b) Acrylonitrile, formaldehyde and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with brain cancer.

(c) Diesel exhaust and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with colon cancer.

(d) Formaldehyde shall be deemed to be a known carcinogen that is reasonably associated with Hodgkin's lymphoma.

(e) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with kidney cancer.

(f) Chloroform, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with liver cancer.

(g) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with lymphatic or haemotopoietic cancer.

3. The provisions of subsection 2 do not create an exclusive list and do not preclude any person from demonstrating, on a case-by-case basis for the purposes of paragraph (b) of subsection 1, that a substance is a known carcinogen that is reasonably associated with a disabling cancer.

4. Compensation awarded to the employee or his dependents for disabling cancer pursuant to ~~[subsection 1]~~ *this section* must include:

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization ~~[.]~~ *in accordance with the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract;* and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

~~[3.]~~ *5.* Disabling cancer is presumed to have developed or manifested itself out of and in the course of the employment of any fireman described in this section. This *rebuttable* presumption applies to disabling cancer diagnosed after the termination of the person's employment if the diagnosis occurs within a period, not to exceed 60 months, which begins with the last date the employee actually worked in the qualifying capacity and extends for a period calculated by multiplying 3 months by the number of full years of his employment. This *rebuttable* presumption must control the awarding of benefits pursuant to this section unless evidence to ~~[dispute]~~ *rebut* the presumption is presented.

6. The provisions of this section do not create a conclusive presumption.".

Amend the title of the bill to read as follows:

"AN ACT relating to occupational diseases; clarifying provisions governing compensation for certain firemen who develop disabling cancer as an occupational disease; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Clarifies provisions governing compensation for certain firemen who develop disabling cancer as occupational disease. (BDR 53-1197)".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 451.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 21.

The following Senate amendment was read:

Amendment No. 798.

Amend sec. 2, page 2, by deleting lines 1 through 4.

Amend sec. 2, page 2, line 5, by deleting "*(d)*" and inserting "*(b)*".

Amend sec. 2, page 2, line 9, by deleting "*(e)*" and inserting "*(c)*".

Amend sec. 2, page 2, line 10, by deleting "*(f)*" and inserting "*(d)*".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 21.

Remarks by Assemblywomen Buckley and Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 48.

The following Senate amendment was read:

Amendment No. 664.

Amend section 1, page 1, lines 5 and 6, by deleting: "*employed, to the extent that doing so does not conflict with or infringe upon federal law;*" and inserting "*employed;*".

Amend sec. 2, page 2, lines 36 and 37, by deleting: "*employed, to the extent that doing so does not conflict with or infringe upon federal law.*" and inserting "*employed.*".

Amend sec. 3, page 2, lines 44 and 45, by deleting: "*employed, to the extent that doing so does not conflict with or infringe upon federal law.*" and inserting "*employed.*".

Amend sec. 4, page 5, lines 36 through 38, by deleting: "*employed, to the extent that doing so does not conflict with or infringe upon federal law.*" and inserting "*employed.*".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 48.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 168.

The following Senate amendment was read:

Amendment No. 799.

Amend the bill as a whole by deleting sec. 3 and adding:

"Sec. 3. (Deleted by amendment.)".

Amend sec. 7, page 4, by deleting lines 29 through 44 and inserting:

"616C.110 1. For the purposes of NRS 616B.557, *616B.578, 616B.587,* 616C.490 and 617.459 ~~[,]~~ *:*

(a) Not later than August 1, 2003, the Division shall adopt regulations incorporating the American Medical Association's *Guides to the Evaluation of Permanent Impairment , 5th edition,* by reference . ~~[and may amend those regulations from time to time as it deems necessary. In adopting the]~~ *The regulations:*

(1) Must become effective on October 1, 2003; and

(2) Must be applied to all examinations for a permanent partial disability that are conducted on or after October 1, 2003, regardless of the date of the injury, until regulations incorporating the 6th edition by reference have become effective pursuant to paragraph (b).

(b) Beginning with the 6th edition and continuing for each edition thereafter, the Division shall adopt regulations incorporating the most recent edition of the American Medical Association's Guides to the Evaluation of

Permanent Impairment ~~[, the Division shall consider]~~ *by reference. The regulations:*

(1) Must become effective not later than 18 months after the *most recent* edition ~~[most recently]~~ *is* published by the American Medical Association ~~[.]~~ *; and*

(2) Must be applied to all examinations for a permanent partial disability that are conducted on or after the effective date of the regulations, regardless of the date of injury, until regulations incorporating the next edition by reference have become effective pursuant to this paragraph.

2. *After adopting the regulations required pursuant to subsection 1, the Division may amend those regulations as it deems necessary, except that the amendments to those regulations:*

(a) Must be consistent with the edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment most recently adopted by the Division;

(b) Must not incorporate any contradictory matter from any other edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment; and

(c) Must not consider any factors other than the degree of physical impairment of the whole man in calculating the entitlement to compensation.

3. If the *edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment most recently* adopted by the Division ~~[contain]~~ *contains* more than one method of determining the rating of an impairment, the Administrator shall designate by regulation the method *from that edition* which must be used to rate an impairment pursuant to NRS 616C.490.".

Amend sec. 10, page 8, lines 12 and 13, by deleting: "*compensation or vocational rehabilitation services*" and inserting: "*vocational rehabilitation services, including compensation,*".

Amend sec. 10, page 8, line 30, by deleting "*seniority and*".

Amend sec. 12, page 10, line 30, by deleting "*seniority and*".

Amend sec. 13, page 11, line 34, by deleting: "*or refuse to impose*".

Amend sec. 13, page 11, line 36, by deleting: "*the district court*" and inserting: "*an appeals officer*".

Amend sec. 13, page 11, line 38, by deleting "*or should*".

Amend sec. 13, pages 11 and 12, by deleting lines 40 through 44 on page 11 and lines 1 through 9 on page 12, and inserting:

"*2. A person who is aggrieved by a written determination of the Administrator may appeal from the determination by filing a request for a hearing before an appeals officer. The request must be filed within 30 days after the date on which the notice of the Administrator's determination was mailed by the Administrator.*".

Amend sec. 13, page 12, line 11, by deleting: "*or refusal to impose*".

Amend sec. 14, page 13, line 15, after "compensation" by inserting: "*or other relief*".

Amend sec. 15, page 16, by deleting line 15 and inserting: "(a) ~~[or]~~ *, (b),* (c) *or (d)* of subsection 1 of NRS 616D.120, or if the".

Amend sec. 15, page 16, line 18, by deleting "*90*" and inserting "*60*".

Amend sec. 16, page 17, line 1, by deleting "*70*" and inserting "*90*".

Amend sec. 16, page 17, line 11, by deleting "*70*" and inserting "*90*".

Amend the bill as a whole by adding a new section designated sec. 18, following sec. 17, to read as follows:

"Sec. 18. 1. This section becomes effective upon passage and approval.

2. Section 7 of this act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2003, for all other purposes.

3. Sections 1 to 6, inclusive, and 8 to 17, inclusive, of this act become effective on October 1, 2003.".

Amend the title of the bill by deleting the fifteenth through nineteenth lines and inserting: "employment benefits as the position of the employee at the time of his injury; requiring a person who wishes to contest a decision of the Administrator to impose an administrative fine to file a notice of appeal with an appeals officer; authorizing a person".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 168.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 343.

The following Senate amendment was read:

Amendment No. 710.

Amend section 1, page 1, line 2, by deleting "10," and inserting "10.5,".

Amend sec. 3, page 2, by deleting lines 1 through 5 and inserting:

"Sec. 3. *"Consumer" means a person who pays money to a seller of travel for the purchase of travel services or a vacation certificate.*".

Amend sec. 4, page 2, line 10, by deleting "*14-point*" and inserting "*10-point*".

Amend the bill as a whole by deleting sections 5 through 8 and adding new sections designated sections 5 through 8, following sec. 4, to read as follows:

"Sec. 5. *1. A seller of travel shall maintain a trust account in a bank, credit union or savings and loan association in this state for the purpose of depositing all money that a consumer pays to the seller of travel for the purchase of travel services or a vacation certificate.*

2. If a consumer pays money to a seller of travel for the purchase of travel services or a vacation certificate, the seller of travel shall deposit all such money in the trust account maintained by the seller of travel not later than 2 business days after the date on which the consumer pays the money to the seller of travel.

3. The seller of travel shall pay out of the trust account the money paid to the seller of travel by the consumer as needed to complete the purchase of the travel services or vacation certificate purchased by the consumer.

Sec. 6. *1. The Division shall administer and account separately for the money received from each seller of travel pursuant to the provisions of paragraph (c) of subsection 1 and paragraph (c) of subsection 4 of NRS 598.365. The Division may refer to the money in the account as the "Recovery Fund."*

2. Except as otherwise provided in section 10 of this act, the money in the account must be used to pay claims made by consumers who are eligible for recovery from the account pursuant to sections 7 and 8 of this act.

Sec. 7. *1. Except as otherwise provided in subsection 5, a consumer who is eligible for recovery from the account must file a complaint with the Division or its designee not later than 1 year after the scheduled date of completion of the travel purchased by the consumer. The consumer must file the complaint on a form established for this purpose by the Division.*

2. If the Division receives a complaint pursuant to subsection 1, the Division or its designee shall hold a hearing on the complaint. The Division shall:

(a) Affix the time and place for the hearing; and

(b) Notify the interested parties, in writing, at least 10 days before the date affixed for the hearing, of the time and place of the hearing.

3. Any testimony taken at the hearing must be considered a part of the record of the hearing before the Division or its designee.

4. The hearing must be public if a request is made for a public hearing.

5. If a consumer has obtained a judgment in any court of competent jurisdiction for recovery of damages against a seller of travel, the consumer may file with the Division or its designee a complaint for recovery of the judgment from the account. The consumer must file the complaint not later than 2 years after the entry of the judgment. The consumer is eligible for recovery of the judgment from the account if:

(a) The judgment is for actual damages suffered by the consumer as a result of:

(1) Any act of fraud or misrepresentation by the seller of travel acting in his capacity as a seller of travel;

(2) The bankruptcy of the seller of travel;

(3) The breach of any contract entered into by the seller of travel in his capacity as a seller of travel; or

(4) The violation by the seller of travel of any provision of NRS 598.305 to 598.365, inclusive, and sections 2 to 10, inclusive, of this act;

(b) The proceedings in connection with the judgment, including all appeals, have terminated;

(c) The consumer files the complaint on a form established for this purpose by the Division;

(d) The consumer submits proof satisfactory to the Division of the judgment; and

(e) Upon obtaining payment from the account, the consumer assigns his rights to enforce the judgment to the Division.

6. If a consumer files a complaint pursuant to this section, the Division or its designee shall act upon the complaint not later than 60 days after the date on which the complaint is filed with the Division, unless the Division:

(a) Determines that the complaint involves complex issues that may not reasonably be resolved within 60 days; and

(b) Notifies the interested parties, in writing, that the time for acting on the complaint will be extended. If the Division provides such notice to the interested parties, the Division shall act upon the complaint not later than 180 days after the date on which the complaint is filed with the Division.

Sec. 8. *1. Except as otherwise provided in subsection 2, a consumer is eligible for recovery from the account if:*

(a) The Division or its designee, after conducting a hearing on a complaint filed pursuant to the provisions of subsection 1 of section 7 of this act, finds that the consumer suffered actual damages as a result of:

(1) Any act of fraud or misrepresentation by the seller of travel acting in his capacity as a seller of travel;

(2) The bankruptcy of the seller of travel;

(3) The breach of any contract entered into by the seller of travel in his capacity as a seller of travel; or

(4) The violation by the seller of travel of any provision of NRS 598.305 to 598.365, inclusive, and sections 2 to 10, inclusive, of this act; or

(b) The consumer complies with the provisions of subsection 5 of section 7 of this act for the recovery of a judgment from the account.

2. A consumer is not eligible for recovery from the account if:

(a) The consumer is the spouse of the seller of travel or is a personal representative of the spouse of the seller of travel;

(b) The consumer was associated in a business relationship with the seller of travel other than with regard to the travel services or vacation certificate at issue;

(c) At the time the consumer paid money to the seller of travel for the purchase of the travel services or vacation certificate at issue, the seller of travel was not registered with the Division as required by NRS 598.365; or

(d) The consumer is seeking recovery of losses which were incurred by the consumer as the result of a cancellation penalty that:

(1) Was fully disclosed and agreed to by the consumer at the time the consumer entered into the contract for the purchase of the travel services or vacation certificate at issue; and

(2) Was imposed against the consumer, in accordance with the terms of the contract, after the cancellation of the travel services or vacation certificate at issue.

3. If the Division or its designee finds that a consumer is eligible for recovery from the account pursuant to this section, the Division or its designee may pay out of the account:

(a) If the complaint was filed pursuant to subsection 1 of section 7 of this act, the amount of actual damages suffered, but not to exceed $10,000; or

(b) If the complaint was filed pursuant to subsection 5 of section 7 of this act, the amount of actual damages included in the judgment and remaining unpaid, but not to exceed $10,000.

4. If a consumer has recovered a portion of his losses from sources other than the account, the Division shall deduct the amount recovered from the other sources from the amount payable upon the claim and direct the difference to be paid from the account.

5. To the extent that payments are made from the account to a consumer, the Division is subrogated to the rights of the consumer. The Division and the Attorney General shall promptly enforce all subrogation claims.

6. The amount of recovery from the account based upon claims made against any single seller of travel:

(a) Must not exceed $200,000; and

(b) For any single action of the seller of travel, must not exceed 20 percent of the balance of the account.".

Amend sec. 9, page 5, by deleting lines 1 through 18 and inserting:

"Sec. 9. *1. A seller of travel shall display conspicuously, at each place of business of the seller of travel and on any website maintained by the seller of travel for business purposes, a legible and typewritten statement that notifies consumers that they may be eligible to recover certain financial damages from the Recovery Fund. The written statement must be in substantially the following form:*

RECOVERY FUND FOR CONSUMERS
DAMAGED BY SELLERS OF TRAVEL

You may be eligible for payment from the Recovery Fund if you have paid money to a seller of travel registered in this state for the purchase of travel services or a vacation certificate and you have suffered certain financial damages as a result of the transaction. To obtain information relating to your rights under the Recovery Fund and the filing of a claim for recovery from the Recovery".

Amend sec. 10, page 6, line 17, by deleting "*injured persons*" and inserting "*consumers*".

Amend the bill as a whole by adding a new section designated sec. 10.5, following sec. 10, to read as follows:

"Sec. 10.5. *1. Before advertising its services or conducting business in this state, a tour broker or tour operator must register with the Division by:*

(a) Submitting to the Division an application for registration on a form prescribed by the Division;

(b) Paying to the Division a fee of $25; and

(c) If the tour broker or tour operator is subject to the provisions of NRS 598.495, depositing the security required by NRS 598.495 with the Division.

2. The Division shall issue a certificate of registration to the tour broker or tour operator upon receipt of:

(a) The security in the proper form as required by NRS 598.495, if the tour broker or tour operator is subject to the provisions of NRS 598.495; and

(b) The payment of the fee required by subsection 1.

3. A certificate of registration:

(a) Is not transferable or assignable; and

(b) Expires 1 year after it is issued.

4. A tour broker or tour operator must renew a certificate of registration issued pursuant to this section before the certificate expires by:

(a) Submitting to the Division an application for the renewal of the certificate on a form prescribed by the Division; and

(b) Paying to the Division a fee of $25.".

Amend sec. 11, page 7, line 29, after "inclusive," by inserting: "*and section 10.5 of this act,*".

Amend sec. 13, page 8, lines 5 and 6, by deleting: "*, including, without limitation, a business entity,*".

Amend sec. 13, page 8, by deleting lines 16 through 22 and inserting:

"*(1) Contracts with a seller of travel to sell travel services or vacation certificates on behalf of the seller of travel;*

(2) Receives compensation for selling the travel services or vacation certificates only from the seller of travel; and

(3) Requires the consumer who purchases the travel services or vacation certificates to pay for the travel services or vacation certificates by transmitting payment directly to the provider of the travel services or vacation certificates or the seller of travel;".

Amend sec. 13, page 8, line 28, by deleting "*;*" and inserting: "*, and section 10.5 of this act;*".

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

"Sec. 13.5. NRS 598.345 is hereby amended to read as follows:

598.345 "Travel services" includes, without limitation:

1. Short-term leases of passenger cars;

2. Lodging;

3. Transfers;

4. Sightseeing tours other than sightseeing tours for which a tour broker or tour operator is regulated pursuant to NRS 598.405 to 598.525, inclusive ~~[.]~~ *, and section 10.5 of this act;* and

5. Any other services that are related to travel by air, land, rail or water *,* or any other method of transportation.".

Amend the bill as a whole by adding new sections designated sections 14.3 and 14.7, following sec. 14, to read as follows:

"Sec. 14.3. NRS 598.405 is hereby amended to read as follows:

598.405 As used in NRS 598.405 to 598.525, inclusive, *and section 10.5 of this act,* unless the context otherwise requires, the words and terms defined in NRS 598.416 to 598.465, inclusive, have the meanings ascribed to them in those sections.

Sec. 14.7. NRS 598.525 is hereby amended to read as follows:

598.525 The Commissioner may adopt such regulations as the Commissioner determines are necessary to carry out the intent of NRS 598.405 to 598.525, inclusive [.] *, and section 10.5 of this act.*".

Amend sec. 16, page 9, lines 23, 27, 28, 30, 38 and 42, by deleting "July" and inserting "October".

Amend sec. 16, page 10, line 1, by deleting "July" and inserting "October".

Amend the bill as a whole by deleting sec. 17 and adding new sections designated sections 17 through 19, following sec. 16, to read as follows:

"Sec. 17. 1. Notwithstanding the amendatory provisions of this act, a consumer who is eligible to recover from the account established pursuant to section 6 of this act may not file a complaint with the Consumer Affairs Division of the Department of Business and Industry sooner than January 1, 2004.

2. The statutes of limitations set forth in section 7 of this act are tolled for the period beginning on October 1, 2003, and ending on December 31, 2003.

Sec. 18. Notwithstanding the amendatory provisions of this act, until January 1, 2004, a tour broker or tour operator may advertise its services and conduct business in this state without possessing a certificate of registration issued by the Consumer Affairs Division of the Department of Business and Industry pursuant to section 10.5 of this act, unless the Division establishes an earlier date for compliance with the provisions of section 10.5 of this act.

Sec. 19. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2003, for all other purposes.".

Amend the title of the bill to read as follows:

"AN ACT relating to travel and tourism; requiring a seller of travel to include his registration number in his advertising; requiring a seller of travel to maintain a trust account for money paid to the seller of travel by consumers; revising the definition of "seller of travel"; requiring the Consumer Affairs Division of the Department of Business and Industry to mail to a seller of travel an application for the renewal of his certificate before the expiration of his current certificate; establishing an account for a consumer to recover damages for certain actions of a seller of travel;

repealing the provisions that require a seller of travel to comply with certain financial security requirements; repealing the provisions allowing a consumer to recover damages from security deposited by a seller of travel with the Division; requiring tour brokers and tour operators to register with the Division annually; requiring sellers of travel, tour brokers and tour operators to pay certain fees relating to registration; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes related to sellers of travel, tour brokers and tour operators. (BDR 52-881)".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 343.

Remarks by Assemblywoman Buckley.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 215.

The following Senate amendment was read:

Amendment No. 632.

Amend sec. 3, page 2, by deleting lines 22 through 26 and inserting: "*exempt from taxation. The county assessor of the county in which the property is located shall, solely for the purpose of facilitating the payments in lieu of taxes, assess the property in the same manner as the taxable property in the county is assessed. The ex officio tax receiver of that county shall mail to the district an individual bill for the payment in lieu*".

Assemblyman Collins moved that the Assembly concur in the Senate amendment to Assembly Bill No. 215.

Remarks by Assemblyman Collins.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 84.

The following Senate amendment was read:

Amendment No. 767.

Amend section 1, page 2, by deleting lines 10 through 26 and inserting:

"(b) A term of ~~[4]~~ *2* years for members of the town advisory board . ~~[,~~ ~~which must be staggered and must expire on the first Monday in January of an odd-numbered year. No person who has served for a term as a member of a town advisory board is eligible for reappointment until 2 years after the expiration of his term.~~

~~(c) Removal of a member of the town advisory board if the board of county commissioners finds that his removal is in the best interest of the residents of the unincorporated town, and for appointment of a member to serve the unexpired term of the member so removed.]~~

(c) Election of a chairman from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the chairmanship, for

the election of a chairman from among the members for the remainder of the unexpired term. The ordinance must also provide that a chairman is not eligible to succeed himself for a term of office as chairman.

2. *The members of a town advisory board serve at the pleasure of the board of county commissioners. If a member is removed, the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term of the member who was removed.*

3. The board of county commissioners shall provide notice of".

Amend section 1, page 2, line 31, by deleting "3." and inserting "~~[3.]~~ *4.*".

Amend section 1, page 2, line 37, by deleting "4." and inserting "~~[4.]~~ *5.*".

Amend sec. 2, page 2, line 40, after "1." by inserting: "Notwithstanding the amendatory provisions of paragraph (b) of subsection 1 of NRS 269.576, a member of a town advisory board who was elected or appointed on or before October 1, 2003, shall serve out the term to which he was elected or appointed.

2.".

Amend sec. 2, page 3, line 1, by deleting "2." and inserting "3.".

Amend the title of the bill to read as follows:

"AN ACT relating to county government; revising the term of office of members of a town advisory board in certain counties; removing the prohibition on consecutive terms of office of members of such a board; providing for the election of a chairman of such a board; revising the requirements regarding the notice of a vacancy on such a board; requiring the provision of notice of the expiration of the term of a member of such a board; and providing other matters properly relating thereto.".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 84.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 398.

The following Senate amendment was read:

Amendment No. 857.

Amend sec. 8, page 4, line 11, after "*2.*" by inserting: "*The local government shall determine those companies that satisfy the requirements of qualified service companies for the purposes of sections 2 to 14, inclusive, of this act.*".

Amend sec. 8, page 4, line 12, after "*three*" by inserting "*potential*".

Amend sec. 8, page 4, line 15, after "*one*" by inserting "*potential*".

Amend sec. 8, page 4, lines 17 and 18, by deleting: "*qualified service company,*" and inserting "*companies*".

Amend sec. 8, page 4, line 19, by deleting the italicized comma.

Amend sec. 8, page 4, lines 20 and 21, by deleting: "*in selecting a qualified service company.*" and inserting: "*to determine those companies that satisfy the requirements of qualified service companies.*".

Amend sec. 8, page 4, line 23, by deleting: "*the qualified service company:*" and inserting "*such companies:*".

Amend sec. 8, page 4, line 40, by deleting: "*the qualified service*" and inserting "*a*".

Amend sec. 8, page 4, line 42, by deleting "*selecting*" and inserting: "*determining whether a company satisfies the requirements of*".

Amend sec. 8, page 4, line 43, by deleting "*qualified service*".

Amend sec. 8, page 4, line 45, by deleting "*qualified service*".

Amend sec. 8, page 5, line 3, after "*5.*" by inserting: "*The local government shall compile a list of those companies that it determines satisfy the requirements of qualified service companies. If the local government is interested in entering into a performance contract, the local government shall notify each appropriate qualified service company and coordinate an opportunity for each such qualified service company to:*

(a) Perform a preliminary and comprehensive audit and assessment of all potential operating cost-savings measures that might be implemented within the buildings of the local government, including any operating cost-savings measures specifically requested by the local government; and

(b) Submit a proposal and make a related presentation to the local government for all such operating cost-savings measures that the qualified service company determines would be practicable to implement.

6. The local government shall:

(a) Evaluate the proposals and presentations made pursuant to subsection 5; and

(b) Select a qualified service company,

pursuant to the provisions of this chapter for evaluating and awarding contracts.

7.".

Amend sec. 8, page 5, line 4, by deleting "*4*" and inserting "*6*".

Amend sec. 8, page 5, between lines 15 and 16, by inserting:

"*8. The local government shall retain the professional services of a third-party consultant with the requisite technical expertise to assist the local government in reviewing the operating cost-savings measures proposed by the qualified service company and may procure sufficient funding from the qualified service company, through negotiation, to pay for the third-party consultant. Such a third-party consultant must be certified by the Association of Energy Engineers as a "Certified Energy Manager" or hold similar credentials from a comparable nationally recognized organization. A third-party consultant retained pursuant to this subsection shall work on behalf of the local government in coordination with the qualified service company.*".

Amend sec. 10, page 5, line 37, by deleting "*contract the*" and inserting "*contract*".

Amend sec. 10, page 5, line 43, by deleting "*4*" and inserting "*20*".

Amend sec. 14, page 7, line 20, by deleting "*may*" and inserting "*must*".

Amend sec. 14, page 7, line 21, after "*necessary*" by inserting: "*by the city or county treasurer, as appropriate,*".

Amend sec. 22, page 9, line 42, by deleting "*contract.*" and inserting: "*contract that is subject to the provisions of NRS 353.500 to 353.630, inclusive.*".

Amend sec. 22, page 11, line 9, after "*shall*" by inserting: "*ensure that each appropriate qualified service company is notified of the using agency's interest in entering into a performance contract and*".

Amend sec. 22, page 11, line 10, by deleting "*appropriate*".

Amend sec. 22, page 11, by deleting lines 21 through 25 and inserting:

"*6. The using agency shall:*

(a) Evaluate the proposals and presentations made pursuant to subsection 5; and

(b) Select a qualified service company,

pursuant to the provisions of this chapter, and any regulations adopted pursuant thereto, for evaluating and awarding contracts.".

Amend sec. 22, page 11, line 26, by deleting "*6.*" and inserting "*7.*".

Amend sec. 22, page 11, line 27, by deleting "*5*" and inserting "*6*".

Amend sec. 22, pages 11 and 12, by deleting lines 42 through 45 on page 11 and lines 1 through 3 on page 12, and inserting:

"*8. The using agency shall retain the professional services of a third-party consultant with the requisite technical expertise to assist the using agency in reviewing the operating cost-savings measures proposed by the qualified service company. The Purchasing Division may procure sufficient funding from the qualified service company, through negotiation, to pay for the third-party consultant.*".

Amend sec. 24, page 13, line 2, by deleting "*4*" and inserting "*20*".

Amend sec. 25, page 13, by deleting lines 10 through 13 and inserting:

"*2. The period over which payments are made on a performance contract must equal the period over which the operating cost savings are amortized. Payments on a performance contract must not commence until the operating cost-savings measures have been installed by the qualified service company.*".

Amend sec. 29, page 14, line 13, by deleting "*may*" and inserting "*must*".

Amend sec. 29, page 14, line 14, after "*necessary*" by inserting: "*by the State Treasurer*".

Amend sec. 30, page 14, line 18, by deleting "2003, and" and inserting "2003.".

Amend sec. 30, page 14, by deleting line 19.

Amend the title of the bill, first line, by deleting "a temporary" and inserting "an".

Amend the summary of the bill to read as follows:

"SUMMARY—Establishes alternative procedure pursuant to which certain performance contracts for cost-savings energy measures in buildings occupied by governmental entities are bid. (BDR 27-1115)".

Assemblyman Manendo moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 398.

Remarks by Assemblyman Manendo.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225.

The following Senate amendment was read:

Amendment No. 760.

Amend section 1, page 1, by deleting line 6 and inserting: "401(k), 403(b) *,* ~~[or]~~ 457 *or 3121, including, without limitation, a FICA alternative plan, or any other plan authorized by any federal*".

Amend sec. 2, page 2, by deleting line 7 and inserting: "401(k), 403(b) ~~[or 457.]~~ *, 457 or 3121, including, without limitation, a FICA alternative plan, or any other plan authorized by any*".

Amend sec. 2, page 2, by deleting lines 29 and 30 and inserting: "must, in accordance with 26 U.S.C. § 401(a) ~~[or 457(g),]~~ *, 401(k), 403(b), 457(g) or 3121, including, without limitation, a FICA alternative plan, or any other federal law authorizing a plan to reduce*".

Amend sec. 3, page 2, by deleting line 41 and inserting: "403(b) ~~[or 457,]~~ *, 457 or 3121, including, without limitation, a FICA alternative plan, or any other federal law authorizing a plan to*".

Amend sec. 4, page 3, by deleting line 4 and inserting: "U.S.C. § 401(a), 401(k), 403(b) ~~[or 457,]~~ *, 457 or 3121, including, without limitation, a FICA alternative plan, or any other federal law*".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 225.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 185.

The following Senate amendment was read:

Amendment No. 566.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 616B.624 is hereby amended to read as follows:

616B.624 1. If a quasi-public or private corporation or a limited-liability company is required to be insured pursuant to chapters 616A to 616D, inclusive, of NRS, an officer of the corporation or a manager of the company who:

(a) Receives pay for services performed as an officer, manager or employee of the corporation or company shall be deemed for the purposes of those chapters to receive a minimum pay of $6,000 per policy year and a maximum pay of $36,000 per policy year.

(b) Does not receive pay for services performed as an officer, manager or employee of the corporation or company shall be deemed for the purposes of those chapters to receive a minimum pay of $500 per month or $6,000 per policy year.

2. An officer or manager who does not receive pay for services performed as an officer, manager or employee of the corporation or company may elect to reject coverage for himself by filing written notice thereof with the corporation or company and the insurer. The rejection is effective upon receipt of the notice by the insurer.

3. An officer or manager of such a corporation or company who:

(a) Owns the corporation or company; *and*

(b) ~~[Operates the corporation or company exclusively from his primary residence; and~~

~~(c)]~~ Receives pay for the services performed, may elect to reject coverage for himself by filing written notice thereof with the insurer. The rejection is effective upon receipt of the notice by the insurer.

4. An officer or manager who has rejected coverage may rescind that rejection by filing written notice thereof with the corporation or company and the insurer. The rescission is effective upon receipt of the notice by the insurer. Except as otherwise provided in subsection 3, if an officer or manager who has rejected coverage receives pay for services performed as an officer, manager or employee of the corporation or company, the officer or manager shall be deemed to have rescinded that rejection.

5. A nonprofit corporation whose officers do not receive pay for services performed as officers or employees of the corporation may elect to reject coverage for its current officers and all future officers who do not receive such pay by filing written notice thereof with the corporation and the insurer. The rejection is effective upon receipt of the notice by the insurer.

6. A nonprofit corporation which has rejected coverage for its officers who do not receive pay for services performed as officers or employees of the corporation may rescind that rejection by filing written notice thereof with the corporation and the insurer. The rescission is effective upon receipt of the notice by the insurer. If an officer of a nonprofit corporation which has rejected coverage receives pay for services performed as an officer or employee of the corporation, the corporation shall be deemed to have rescinded that rejection.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

“Sec. 4. NRS 617.207 is hereby amended to read as follows:

617.207 1. If a quasi-public or private corporation or limited-liability company is required to be insured pursuant to this chapter, an officer of the corporation or a manager of the company who:

(a) Receives pay for service performed shall be deemed for the purposes of this chapter to receive a minimum pay of $6,000 per policy year and a maximum pay of $36,000 per policy year.

(b) Does not receive pay for services performed shall be deemed for the purposes of this chapter to receive a minimum pay of $500 per month or $6,000 per policy year.

2. An officer or manager who does not receive pay for services performed may elect to reject coverage for himself by filing written notice thereof with the corporation or company and the insurer. The rejection is effective upon receipt of the notice by the insurer.

3. An officer or manager of such a corporation or company who:

(a) Owns the corporation or company; *and*

(b) ~~[Operates the corporation or company exclusively from his primary residence; and~~

~~(c)]~~ Receives pay for the services performed, may elect to reject coverage for himself by filing written notice thereof with the insurer. The rejection is effective upon receipt of the notice by the insurer.

4. An officer or manager who has rejected coverage may rescind that rejection by filing written notice thereof with the corporation or company and the insurer. The rescission is effective upon receipt of the notice by the insurer.”.

Amend the title of the bill, fourth line, after “ diseases;” by inserting: “revising the circumstances under which officers or managers of certain corporations or companies may reject coverage for themselves for the purposes of the provisions governing workers’ compensation for injuries and occupational diseases;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning applicability of provisions governing workers’ compensation for injuries and occupational diseases. (BDR 53-1110)”.

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 185.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 348.

The following Senate amendment was read:

Amendment No. 691.

Amend section 1, page 1, by deleting lines 5 through 7 and inserting:

"*1. On or before February 1 of the year immediately preceding the year to which the factors will be applied, the Department shall provide the proposed factors to each county*".

Amend section 1, page 1, line 9, by deleting "*September 1*" and inserting "*May 15*".

Amend section 1, pages 1 and 2, by deleting lines 13 through 15 on page 1 and lines 1 through 15 on page 2, and inserting:

"*3. If one or more of the county assessors notify the Nevada Tax Commission of an objection to the proposed factors that are applicable to the county they represent, the Nevada Tax Commission shall, at a regularly scheduled meeting of the Commission, hold a hearing on those proposed factors before the factors are adopted. At the hearing, the Nevada Tax Commission shall:*

(a) Make every effort to reconcile the objection or objections of each county assessor; and

(b) Provide to those persons attending the hearing copies of any published reference manuals and the local indicators of the taxable value of improvements that were used by the Department to establish the proposed factors.".

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 348.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 12:01 p.m.

ASSEMBLY IN SESSION

At 12:05 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 513, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 250.

The following Senate amendment was read:

Amendment No. 741.

Amend sec. 7, page 7, lines 40 and 41, by deleting: "*destruction, contamination or impairment*" and inserting: "*destruction or contamination*".

Amend sec. 10, page 8, by deleting lines 16 through 34 and inserting:

"Sec. 10. *"Material support" means any financial, logistical, informational or other support or assistance intended to further an act of terrorism.*".

Amend sec. 14, page 9, line 25, by deleting: "*more than one person.*" and inserting: "*a large number of persons.*".

Amend sec. 15, pages 9 and 10, by deleting lines 26 through 45 on page 9 and lines 1 through 9 on page 10, and inserting:

"Sec. 15. *1. A person shall not knowingly or intentionally commit or cause an act of terrorism or attempt to commit or cause an act of terrorism.*

2. A person shall not knowingly or intentionally:

(a) Aid, further or conceal or attempt to aid, further or conceal an act of terrorism;

(b) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal an act of terrorism; or

(c) Provide material support with the intent that such material support be used, in whole or in part, to:

(1) Commit, cause, aid, further or conceal an act of terrorism; or

(2) Aid a terrorist or conceal a terrorist from detection or capture.

3. A person who violates subsection 1 is guilty of a category A felony and:

(a) Shall be punished by imprisonment:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served; and

(b) Shall further be punished by a fine of at least $50,000 but not more than $100,000.

4. A person who violates subsection 2 is guilty of a category A felony and:

(a) Shall be punished by imprisonment:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served; and

(b) Shall be further punished by a fine of at least $25,000 but not more than $50,000.

5. In addition to any other penalty, the court shall order a person who violates the provisions of this section to pay restitution:

(a) To each victim for any injuries that are a result of the violation; and

(b) To the State of Nevada or a local government for any costs that arise from the violation.".

Amend sec. 21, page 11, by deleting lines 23 and 24 and inserting:

"*3.* A person who violates any provision of subsection 1 is guilty of a category A felony and shall be punished ~~[by]~~ *:*".

Amend sec. 21, page 12, line 7, after "*4.*" by inserting: "*A person who violates any provision of subsection 2 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall further be punished by a fine of not more than $10,000.*

5.".

Amend sec. 21, page 12, line 14, by deleting "*5.*" and inserting "*6.*".

Amend sec. 22, page 12, by deleting lines 27 through 29 and inserting:

"(a) Injure, intimidate ~~[, frighten, alarm or distress]~~ *or alarm* any person, whether or not any person is actually injured, intimidated ~~[, frightened, alarmed or distressed]~~ *or alarmed* thereby;".

Amend the bill as a whole by renumbering sec. 26 as sec. 27 and adding a new section designated sec. 26, following sec. 25, to read as follows:

"Sec. 26. NRS 450B.180 is hereby amended to read as follows:

450B.180 1. Any person desiring certification as an emergency medical technician must apply to the health authority using forms prescribed by the health authority.

2. The health authority, pursuant to regulations and procedures adopted by the board, shall make a determination of the applicant's qualifications to be certified as an emergency medical technician, and shall issue a certificate as an emergency medical technician to each qualified applicant.

3. A certificate as an emergency medical technician is valid for a period not exceeding 2 years and may be renewed if the holder of the certificate complies with the provisions of this chapter and meets the qualifications set forth in the regulations and standards established by the board pursuant to this chapter. *The regulations and standards established by the Board must provide for the completion of a course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:*

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

4. The health authority may suspend or revoke the certificate of an emergency medical technician if it finds that the holder of the certificate no longer meets the prescribed qualifications. Unless the certificate is suspended by the district court pursuant to NRS 425.540, the holder of the certificate may appeal the suspension or revocation of his certificate pursuant to regulations adopted by the board.

5. The board shall determine the procedures and techniques which may be performed by an emergency medical technician.

6. A certificate issued pursuant to this section is valid throughout the State, whether issued by the Health Division or a county or district board of health.

7. The Health Division shall maintain a central registry of all certificates issued pursuant to this section, whether issued by the Health Division or a county or district board of health.

8. The board shall adopt such regulations as are necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in section 7 of this act.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in section 8 of this act.

(d) "Radioactive agent" has the meaning ascribed to it in section 12 of this act.

(e) "Weapon of mass destruction" has the meaning ascribed to it in section 14 of this act.".

Amend the bill as a whole by renumbering sections 27 and 28 as sections 32 and 33 and adding new sections designated sections 28 through 31, following sec. 26, to read as follows:

"Sec. 28. NRS 630.253 is hereby amended to read as follows:

630.253 *1.* The Board shall, as a prerequisite for the:

~~[1.]~~ *(a)* Renewal of a license as a physician assistant; or

~~[2.]~~ *(b)* Biennial registration of the holder of a license to practice medicine, require each holder to comply with the requirements for continuing education adopted by the Board.

2. These requirements ~~[may]~~ *:*

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction relating to the medical consequences of an act of terrorism that involves the use of a

weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

3. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in section 7 of this act.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in section 8 of this act.

(d) "Radioactive agent" has the meaning ascribed to it in section 12 of this act.

(e) "Weapon of mass destruction" has the meaning ascribed to it in section 14 of this act.

Sec. 29. NRS 631.342 is hereby amended to read as follows:

631.342 *1.* The Board shall adopt regulations concerning continuing education in dentistry and dental hygiene. The regulations must include:

~~[1.]~~ *(a)* The number of hours of credit required annually;

~~[2.]~~ *(b)* The criteria used to accredit each course; ~~[and~~

~~3.]~~ *(c)* The requirements for submission of proof of attendance at courses ~~[.]~~ *; and*

(d) A provision requiring the completion a course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

2. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in section 7 of this act.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in section 8 of this act.

(d) "Radioactive agent" has the meaning ascribed to it in section 12 of this act.

(e) "Weapon of mass destruction" has the meaning ascribed to it in section 14 of this act.

Sec. 30. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board. The licensee is exempt from this provision for the first biennial period after graduation from an accredited school of professional nursing or practical nursing.

2. The Board shall review all courses offered to nurses for the completion of the requirement set in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include a course of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

4. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in section 7 of this act.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in section 8 of this act.

(d) "Radioactive agent" has the meaning ascribed to it in section 12 of this act.

(e) "Weapon of mass destruction" has the meaning ascribed to it in section 14 of this act.

Sec. 31. 1. The Legislative Commission shall appoint a subcommittee consisting of three Senators and three Assemblymen to conduct an interim study concerning the coordination, planning and cost of responding to emergencies involving state buildings, including, without limitation, responding to emergencies caused by fire, flood, earthquake, storm or other natural causes, by technological or man-made catastrophes or by acts of terrorism or acts involving the use of weapons of mass destruction or biological, chemical or radioactive agents.

2. An advisory committee consisting of the following members shall assist the subcommittee:

(a) One member to represent the Buildings and Grounds Division of the Department of Administration, appointed by the Director of the Department of Administration.

(b) One member to represent the Division of Emergency Management of the Department of Public Safety, appointed by the Director of the Department of Public Safety.

(c) One member to represent the Capitol Police Division of the Department of Public Safety, appointed by the Director of the Department of Public Safety.

(d) One member to represent the Legislative Police, appointed by the Legislative Commission.

(e) One member to represent the Department of Corrections, appointed by the Director of the Department of Corrections.

(f) One member to represent the Budget Division of the Department of Administration, appointed by the Director of the Department of Administration.

(g) One member to represent the Health Division of the Department of Human Resources, appointed by the Director of the Department of Human Resources.

(h) One member to represent the interests of hospitals in this state, appointed by the Legislative Commission.

(i) One member to represent the interests of fire departments in this state, appointed by the Legislative Commission.

(j) One member to represent the interests of local law enforcement agencies in this state, appointed by the Legislative Commission.

(k) One member to represent the interests of cities in this state, appointed by the Nevada League of Cities and Municipalities.

(l) One member to represent the interests of counties in this state, appointed by the Nevada Association of Counties.

3. Members of the advisory committee serve without compensation, but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the advisory committee. The per diem allowance and travel expenses must be paid from the Legislative Fund.

4. The subcommittee may form such subcommittees of its members as are necessary to study specific issues within the jurisdiction of the subcommittee.

5. The subcommittee may submit recommended legislation that is approved by a majority of the members of the Assembly appointed to the subcommittee and a majority of the members of the Senate appointed to the subcommittee to the Legislative Commission.

6. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.".

Amend sec. 27, page 16, line 37, by deleting "26" and inserting "27".

Amend sec. 28, page 16, by deleting lines 41 through 43 and inserting:

"Sec. 33. 1. This section and sections 1 to 25, inclusive, 31 and 32 of this act become effective upon passage and approval.

2. Sections 26, 28, 29 and 30 of this act become effective on July 1, 2003, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out those sections and on October 1, 2003, for all other purposes.

3. Section 27 of this act becomes effective on October 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT relating to public safety; making various changes regarding certain acts relating to terrorism, weapons of mass destruction, biological agents, chemical agents, radioactive agents and other lethal agents, toxins and delivery systems; providing for an increased penalty for felonies committed with the intent to commit certain acts of terrorism; establishing as murder of the first degree murder committed with the intent to commit certain acts of terrorism; establishing for the purposes of the death penalty an aggravating circumstance relating to murders committed with the intent to commit certain acts of terrorism; providing that there is no statute of limitations for prosecution of certain acts relating to terrorism; requiring certain property used to commit certain acts of terrorism to be subject to forfeiture; making various other changes pertaining to certain acts relating to terrorism, weapons of mass destruction, biological agents, chemical agents, radioactive agents and other lethal agents, toxins and delivery systems; providing penalties; requiring resort hotels to adopt emergency response plans; requiring certain health care professionals to obtain continuing education concerning the medical consequences of acts of terrorism; providing for an interim study concerning the coordination, planning and cost of responding to emergencies involving state buildings; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes regarding certain acts relating to terrorism, weapons of mass destruction, biological agents, chemical agents, radioactive agents and other lethal agents, toxins and delivery systems and enacts provisions concerning responses to emergencies. (BDR 15-49)".

Amend the bill as a whole by adding the following Senator as a primary joint sponsor: Senator Raggio.

Assemblyman Oceguera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 250.

Remarks by Assemblyman Oceguera.

Motion carried.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Ashleigh Kreider and James Ohrenschall.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, May 26, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SECOND SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2003

BEGUN ON MONDAY, THE THIRD DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SECOND DAY OF JUNE

VOLUME 3

**THE ONE HUNDRED AND THIRTEENTH DAY—
THE ONE HUNDRED AND TWENTIETH DAY**

SEE VOLUME 1 FOR TABLE OF CONTENTS

SPO, Carson City, Nevada, 2004

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THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 26, 2003

Assembly called to order at 11:26 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Albert Tilstra.

On this special day, save us, our God, from either indifference or unseemly revelry in this solemn time, lest we mock those who lie in the quiet places they liberated from the scourge, and their comrades in whose eyes are the shadowed memories of the horrors they saw. Let us rather determine to finish the work they began, that Your peace may yet come to all our troubled world. For the liberation of so many from the cruel hand of the oppressor, we give You thanks. As we were willing to make sacrifices in war, so may we be willing to make sacrifices to ensure a just and lasting peace. Bless these legislators today to work toward that end.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 266; Senate Bill No. 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 16, Amendment No. 876; Assembly Bill No. 326, Amendment No. 844; Assembly Bill No. 493, Amendment No. 712, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 40, Senate Amendment No. 709, and requests a conference, and appointed Senators Care, Amodei, and McGinness as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 73, Senate Amendment No. 657, and requests a conference, and appointed Senators Washington, Nolan, and Titus as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 78, Senate Amendments Nos. 773, 719,

and requests a conference, and appointed Senators Nolan, McGinness, and Wiener as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 218, Senate Amendment No. 722, and requests a conference, and appointed Senators Nolan, Mathews, and Tiffany as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 106, 258, 352.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 752 to Senate Bill No. 440; Assembly Amendment No. 640 to Senate Bill No. 469.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Care, and McGinness as a first Conference Committee concerning Senate Bill No. 206, Assembly Amendment No. 654.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Care, Nolan, and Washington as a first Conference Committee concerning Senate Bill No. 207.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gustavson, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Sherer, Weber, and Williams; Senators Washington, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, McGinness, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, and Wiener:

Assembly Concurrent Resolution No. 29—Memorializing Marine hero Lance Corporal Donald J. Cline, Jr.

WHEREAS, The members of the Nevada Legislature join the people of the State of Nevada to mourn the loss and celebrate the life of United States Marine Lance Corporal Donald J. Cline, Jr.; and

WHEREAS, Donald J. Cline, Jr., known as "John" by his family and friends, was born in Sierra Madre, California; and

WHEREAS, After his family moved to Sparks, John Cline attended Reed High School and met his wife-to-be, Tina; and

WHEREAS, Because he said he had "always wanted to be a Marine," John Cline enlisted in the United States Marine Corps at the age of 17 and left for boot camp 2 weeks after graduating from high school; and

WHEREAS, After John's graduation from Marine boot camp on October 20, 2000, Tina and John Cline were married the following day at the American Legion Hall in Sun Valley, Nevada; and

WHEREAS, Blessed with two sons, Dakota, 2 1/2 years of age, and Dillon, 7 months, John Cline proved to be a devoted and caring family man who talked about returning to Reno to become a police officer when he left the military; and

WHEREAS, Serving with the 1st Battalion, 2nd Marine Regiment, 2nd Marine Expeditionary Brigade, based at Camp Lejeune, North Carolina, John Cline was deployed to Iraq to serve his country, but kept in close contact with his family through letters and phone calls; and

WHEREAS, On March 23, 2003, John Cline was reported missing in action after he and some of his fellow Marines were ambushed by enemy fire on a bridge near the southern Iraq town of Nasiriyah; and

WHEREAS, Being a strong and loyal Marine wife, Tina Cline remained optimistic that her husband would be found safe, and she and her children were embraced by their community, receiving support and prayers from family, friends and strangers; and

WHEREAS, Sadly, on April 11, Lance Corporal Donald "John" Cline, Jr., only 21 years of age, was among the Marines identified as killed in that attack of March 23rd; and

WHEREAS, John Cline was posthumously awarded the Purple Heart and will hereafter be remembered for his bravery in the face of battle; and

WHEREAS, Lance Corporal Cline is survived by his wife, Tina, his sons, Dakota and Dillon, and his mother, Cynthia Fulton-Cline; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That United States Marine Lance Corporal Donald J. Cline, Jr. be recognized for his dedication to his country in giving the ultimate sacrifice while trying to make the world a safer place for his children and children throughout the world; and be it further

RESOLVED, That the members of the 72nd Session of the Nevada Legislature and the people of our State extend their sincere condolences to the family and friends of John Cline, an American hero; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to John Cline's loving wife, Tina.

Assemblyman Gustavson moved the adoption of the resolution.

Remarks by Assemblymen Gustavson, Buckley, and Anderson.

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

ASSEMBLYMAN GUSTAVSON:

Thank you, Mr. Speaker. Memorial Day is a most appropriate day to be doing this resolution. We are very fortunate to have it coincide with today. Memorial Day is thought of, by many of us, as it was originally intended. Unfortunately, many people take Memorial Day as another three-day weekend. They have their picnics, go camping, and many different things, and have lost the true meaning of Memorial Day. We all know, in this Body, why we celebrate this day. It is because of those persons who have given the ultimate sacrifice for their country that they loved so dearly. They gave their lives so that we may have the freedoms that we enjoy in this country. They gave their lives for the freedoms that we have had and continue to have. We think of this day, not just for those who have fallen before in the many wars we have had, but for those who unfortunately will fall in future conflicts in the world, where the United States will be there to support our freedoms.

We think, today, of John Cline, as he is known to his friends and loved ones. His wife Tina could not be here today because she is in Las Vegas where there is a fundraiser for her. There has been a tremendous outpouring of support for the family, from the local community and throughout the state, including the Boys and Girls Club. The College System has offered the two sons, Dakota and Dillon, college scholarships to take care of their college needs and the children's dental needs will be taken care of. All have given from their hearts for Tina Cline and the family.

John was a patriot. He not only loved his country, he loved his wife dearly. They were very close. He was also close to his two sons, Dakota, two years old, and seven-month-old Dillon. John gave his life and was a hero doing so. Many war reports show that John gave his life, not only for his country, but saving his fellow Marines. As they were being attacked, John unselfishly went out and grabbed these Marines and brought them back to the vehicle that they were in, saving their lives. He did this willingly and openly and we thank him for that.

After serving in the Marines, John had planned to go into law enforcement. He wasn't sure where he was going, whether he was going to work for the Drug Enforcement Administration or whoever, but he had planned on continuing his service to his country. His life was already

planned out, not only to serve his country as a Marine but also to come home and serve in some capacity in law enforcement.

We want to thank the family and the community and State for the support that has been given to Tina Cline. Thank you, Mr. Speaker.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I, too, rise in support of ACR 29. It is difficult to express our thanks and gratitude to the friends and family of Mr. Cline. To give your life for your country at age 21 with two very small children and a loving wife is the epitome of patriotism and the epitome of what this day is all about. We honor Lance Corporal Donald John Cline and we thank his family for his ultimate sacrifice to ensure all of us are free.

ASSEMBLYMAN ANDERSON:

I rise in support of the resolution. Mr. Cline attended the high school where I teach and was a former U.S. History student of mine. It is difficult to recognize such lives who, on a regular basis, live to serve this nation and who anxiously await the opportunity to serve. It always amazes me that there are young men and women of this nation who are willing to step forward not knowing what tomorrow is going to bring. Corporal Cline did not anticipate this war or this engagement but he knew what duty was. He knew the duty of service and commitment. Young lives are constantly given and this day is set aside to remember those young lives and their families. When we say we stand on the shoulders of giants, these are the giants we stand on. This is what our national pride and commitment is about, the young men, the old men, the gallant ones of yesterday, and those of WWII. Saturday I was at a commencement ceremony for a relative of mine where Corporal Cline was honored. We often look to these people without recognizing that each generation is the greatest generation. It is the young men of our country, the ones with the greatest promise that keep democracy alive. That is the reason all of us have to be equally committed to our responsibility to them and their memory. Therefore, it is easy to stand when someone has given the ultimate sacrifice.

Resolution adopted unanimously.

Assemblyman Gustavson moved that all rules be suspended and that Assembly Concurrent Resolution No. 29 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Sherer, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Buckley, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Geddes, Gibbons, Giunchigliani, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Oceguera, Ohrenschall, Parks, Perkins, Pierce, Weber, and Williams; Senators McGinness, Amodei, Care, Carlton, Cegavske, Coffin, Hardy, Mathews, Neal, Nolan, O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 30—Memorializing Marine hero Lieutenant Frederick Pokorney, Jr.

WHEREAS, The members of the Nevada Legislature and the people of the State of Nevada mourn the loss of United States Marine Corps First Lieutenant Frederick "Fred" Pokorney, Jr.; and

WHEREAS, Living with former Nye County Sheriff Wade Lieseke and his wife Susie, Fred Pokorney graduated from Tonopah High School in 1989, where the 6-foot-7-inch, 220-pound athlete excelled at basketball and football; and

WHEREAS, A devoted family man, Fred Pokorney met his wife, known as "Chelle," in Washington State, and they became the proud parents of daughter Taylor, now 2 1/2 years of age and the spitting image of her father; and

WHEREAS, After enlisting in the United States Marine Corps, Fred Pokorney was named the top recruit at the end of basic training and, taking advantage of the military educational benefits, attended Oregon State University where he earned a degree in military science; and

WHEREAS, A field artillery leader for the Headquarters Battery, 1st Battalion, 10th Marine Regiment, 2nd Marine Expeditionary Brigade, stationed at Camp Lejeune, North Carolina, Lieutenant Pokorney was deployed to Iraq and died on March 23, 2003, when he and some of his fellow Marines were ambushed outside of Nasiriyah; and

WHEREAS, Commissioned as a Second Lieutenant, Pokorney was promoted posthumously to First Lieutenant and was awarded the Purple Heart and will forever be remembered for his bravery and dedication to his country; and

WHEREAS, Chelle Pokorney called her husband a "gentle giant" and said he loved "his family, the Marine Corps and the Oakland Raiders"; and

WHEREAS, Nevada's first reported casualty from Operation Iraqi Freedom and the first Marine from that military operation to be buried at Arlington National Cemetery, Lieutenant Pokorney was buried with full military honors; and

WHEREAS, Lieutenant Frederick Pokorney, Jr. is survived by his wife, Chelle Pokorney, his daughter Taylor, and his surrogate parents, Wade and Susie Lieseke; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That United States Marine First Lieutenant Frederick Pokorney, Jr. be honored for his devotion to his family, his state and his country, for which he made the ultimate sacrifice; and be it further

RESOLVED, That the members of the 72nd Session of the Nevada Legislature and the people of our state celebrate the life of Lieutenant Pokorney and extend their sincere condolences to the family and friends of a true hero; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Chelle, the beloved wife of Lieutenant Pokorney.

Assemblyman Sherer moved the adoption of the resolution.

Remarks by Assemblymen Sherer and Angle.

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

ASSEMBLYMAN SHERER:

Thank you, Mr. Speaker. I stand in honor of Lieutenant Pokorney. He was an incredible gentleman. He lost his parents and then was adopted by Susie and Wade Lieseke. He has gone through a lot. In school he was a great athlete and was always looking forward. He had great goals. He was an asset to his high school and a role model, which is what we are all trying to be. He took on his adverse conditions, including being 6-feet-7-inches, having no parents, and coming from a small town, and stepped forward, going on to Oregon where he graduated from college, met his wife Chelle, and had his daughter. He was able to go on because that is what his dad did, who was also in the military. He stepped forward in his dad's footsteps. In turn he gave the ultimate sacrifice during the incident where the Iraqi Military was dressed in civilian clothes and he was trying to take care of what he thought were civilians and found that they were armed and he was shot. Today we stand for all those people who gave their lives so that we can have our freedom and so that we can go to barbeques and do other things as families this afternoon. We need to realize what the people that came before us did to give us our freedoms, which is what today memorializes. I stand in support of this resolution and I am honored to stand up and say a few words. Today is Jim Butler Days in Tonopah and the family is there today. I asked if they would like to join us today, but they wanted to be together with their family for their support.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I stand in support of ACR 30. As many of you know, I lived in Tonopah for eight years. Wade and Susie Lieseke are good friends of mine, and Fred Pokorney

graduated from high school with my daughter. This is a double-edged sword when you live in rural Nevada. Not only are you known and know everyone, you also know them well enough to share in their sorrows and feel the grief and loss that they feel. My son-in-law went into the Marines two years ahead of Fred. It is a touching thing to go to a Marine boot camp graduation. For God, for family, for country. It brings tears to your eyes when you see the dedication of these young men and how willing they are to sacrifice themselves for our freedoms. I ask you to declare with me, for Fred Pokorney and John Cline, *Semper Fi*. Thank you, Mr. Speaker.

Resolution adopted unanimously.

Assemblyman Sherer moved that all rules be suspended and that Assembly Concurrent Resolution No. 30 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Perkins, Buckley and Hettrick:

Assembly Resolution No. 6—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 106.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 258.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 352.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Standing Rule No. 92, which pertains to notices of bills, topics and public hearing, be suspended.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

Assemblywoman Buckley moved that for the balance of the session, all bills and joint resolutions reported out of committee be immediately placed on the appropriate reading file.

Motion carried unanimously.

Assemblyman Arberry moved that Assembly Bill No. 464 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Oceguera, Brown, and Buckley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 40.

Mr. Speaker appointed Assemblymen Conklin, Brown, and Ohrenschall as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 73.

Mr. Speaker appointed Assemblymen Anderson, Mabey, and Ohrenschall as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 78.

Mr. Speaker appointed Assemblymen Anderson, Angle, and Horne as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 132.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 544, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that for the balance of the session, the reading of the Histories on all bills and joint resolutions on Second Reading and General File be dispensed with.

Motion carried.

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

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 1:02 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 39.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 39.

Assemblywoman Gibbons moved the adoption of the resolution.

Remarks by Assemblywoman Gibbons.

Resolution adopted unanimously.

Assemblywoman Buckley moved that Assembly Bill No. 513 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 880.

Amend the bill as a whole by deleting sections 1 through 4, renumbering sec. 5 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. 1. The Director of the Department of Transportation, in consultation with the Department of Motor Vehicles, the Department of Public Safety, the Department of Taxation, the State Department of Agriculture, the State Department of Conservation and Natural Resources and any other state agency directed by the Governor to participate, shall develop a plan to jointly enforce the laws of this state and any related regulations within their respective jurisdictions, including, without limitation:

(a) The inspection of vehicles transporting hazardous materials;

(b) The enforcement of laws relating to the taxation of fuel used in motor carriers;

(c) The enforcement of vehicle registration laws;

(d) The enforcement of traffic safety laws;

(e) The performance of safety inspections on commercial vehicles; and

(f) The enforcement of laws restricting the importing of diseased animals and noxious weeds and other illegal plants. The Governor may direct additional agencies of this state to participate in the planning in a manner that will benefit the State.

2. In addition to the requirements of subsection 1, the plan must include a summary of the opportunities for joint enforcement, a prioritized list for activities of joint enforcement and the results expected from joint enforcement.

3. On or before December 1, 2004, the Director of the Department of Transportation shall submit the plan to the Governor and to the Director of the Legislative Counsel Bureau for transmission to the 73rd Session of the Nevada Legislature.".

Amend the title of the bill to read as follows:

"AN ACT relating to transportation; requiring the Director of the Department of Transportation to develop a plan in consultation with various other entities concerning the joint enforcement of certain laws and regulations governing transportation and vehicles; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires development of plan concerning joint enforcement of certain laws and regulations governing transportation and vehicles. (BDR S-83)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 877.

Amend the bill as a whole by deleting sections 2 through 26 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on July 1, 2003.".

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, Section 2 of Article 11 of the Constitution of the State of Nevada requires the Legislature to provide for a uniform system of common schools; and

WHEREAS, Section 6 of Article 11 of the Constitution of the State of Nevada requires the Legislature to provide for the support and maintenance of the common schools by direct legislative appropriation from the General Fund; and

WHEREAS, An effective public school system which produces active and informed residents is essential to the development of an educated workforce to serve the economy of the State of Nevada; and

WHEREAS, The Nevada Association of School Superintendents and the Nevada Association of School Boards have worked cooperatively to propose

a long-term vision for public education, commonly referred to as "*iNVest*," in an effort to improve the academic achievement of pupils enrolled in elementary and secondary schools in this state; and

WHEREAS, The Legislature believes that the elements of the *iNVest* proposal provide a sound blueprint when the Legislature considers methods to improve the academic achievement of pupils; and

WHEREAS, The Legislature recognizes it is important that school districts:

1. Are provided with basic support that is adequate to ensure the effectiveness of the public schools, which to the extent practicable includes the inflationary costs for nonsalaried expenditures;

2. Have funding for books, supplies and equipment that is adequate to ensure the effectiveness of the public schools;

3. Have funding for programs designed for pupils who have limited proficiency in the English language that is adequate to ensure the effectiveness of the public schools; and

4. Maintain an adequate ending fund balance; and

Whereas, The Legislature recognizes the importance for school districts to attract and retain a qualified workforce, which includes the provision of cost-of-living adjustments, adequate health benefits for employees and adequate compensation for teachers who provide instruction in high impact and special need areas; and

WHEREAS, The Legislature recognizes that there are a variety of meritorious ways that the educational system can assist pupils to meet the demands of rigorous academic standards, including, without limitation, increasing the instructional time for pupils by adding additional days to the school year, providing full-day kindergarten especially for children who are at risk, and providing summer school, after-school programs and tutorial programs for pupils who need additional assistance; and

WHEREAS, The opportunities available to Nevada's pupils would be enhanced by the provision of career and technical education courses, the enhancement of classroom discipline the maintenance of class-size reduction; and

WHEREAS, It is the intended goal of the Nevada Legislature to work in partnership with the State Board of Education, the Governor, the Nevada Association of School Superintendents, the Nevada Association of School Boards and other such dedicated organizations to continue to develop and carry out educational strategies that are designed to improve the academic achievement of pupils enrolled in the public elementary and secondary schools in this state, including, without limitation, methods to increase the financial support for public schools; now, therefore,".

Amend the title of the bill, by deleting the fifth through eighteenth lines and inserting: "and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Requires Superintendent of Public Instruction to prepare compilation of certain information for inclusion in biennial budgetary request for State Distributive School Account. (BDR 34-903)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 544.

Bill read second time and ordered to third reading.

Senate Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 846.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. The Board shall, on a monthly basis, transfer money from the Account to the State General Fund in an amount up to the level of expenditures approved in the final budget of the System for the applicable fiscal year. Except as otherwise provided in this subsection and subsection 2, the amount of money transferred each month must be:

(a) For Fiscal Year 2003-2004, $3,819,713, until the total amount of money transferred for all 12 months in the fiscal year is $45,836,551.

(b) For Fiscal Year 2004-2005, $3,616,525, until the total amount of money transferred for all 12 months in the fiscal year is $43,398,297.

A monthly transfer described in this section must not be made to the extent that making the transfer would result in a negative balance in the Account.

2. If the amount of money in the Account is not, for a given month, sufficient to allow the full amount of the transfer scheduled for that month, as described in subsection 1, any money that subsequently becomes available in the Account must first be applied to complete the full amount of the transfer scheduled for that month, as described in subsection 1.

3. If, at the end of Fiscal Year 2004-2005, the total amount transferred from the Account to the State General Fund pursuant to this section has not reached the total amount of $89,234,848 that is scheduled to be transferred pursuant to subsection 1 during both Fiscal Year 2003-2004 and Fiscal Year 2004-2005 combined, the Board shall continue to make transfers from the Account to the State General Fund in subsequent fiscal years until the total amount transferred equals $89,234,848, subject to the continued availability of estate tax revenues.

4. As used in this section:

(a) "Account" means the Estate Tax Account in the Endowment Fund of the University and Community College System of Nevada.

(b) "Board" means the Board of Regents of the University of Nevada.

(c) "System" means the University and Community College System of Nevada.".

Amend the title of the bill, fourth line, after "Nevada;" by inserting: "requiring the Board of Regents of the University of Nevada to make certain transfers of money from the Account to the State General Fund;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 726.

Amend sec. 15, page 12, by deleting line 28 and inserting:

"Sec. 15. This act becomes effective on September 23, 2003, and expires by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this state.".

Amend the title of the bill, fourth line, after "vessel;" by inserting: "providing for the prospective expiration of such reduced concentration of alcohol upon the repeal of certain federal laws;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 548.

Bill read third time.

Roll call on Assembly Bill No. 548:

YEAS—42.

NAYS—None.

Assembly Bill No. 548 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549.

Bill read third time.

Roll call on Assembly Bill No. 549:

YEAS—34.

NAYS—Andonov, Angle, Beers, Carpenter, Christensen, Griffin, Gustavson, Sherer—8.

Assembly Bill No. 549 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 416.

Bill read third time.

Roll call on Senate Bill No. 416:

YEAS—42.

NAYS—None.

Senate Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 533.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 868.

Amend sec. 7, page 4, by deleting lines 31 through 33 and inserting: "June 25, 1950, and ~~[January 31, 1955;]~~ *May 7, 1975, or between September 26,*".

Amend sec. 8, page 6, by deleting lines 19 through 21 and inserting: "June 25, 1950, and ~~[January 31, 1955;]~~ *May 7, 1975, or between September 26,*".

Amend sec. 15, page 15, by deleting line 22 and inserting: "its full cash value.".

Amend the bill as a whole by deleting sec. 16 and adding:

"Sec. 16. (Deleted by amendment.)".

Amend sec. 19, page 20, by deleting lines 1 and 2 and inserting: "*assessor, or, if there is no such site, a copy of the list and valuations must be published once* in a newspaper of general circulation in the county ~~[.]~~ *if the board of county commissioners so requires.*".

Amend sec. 22, page 22, by deleting lines 8 through 13 and inserting: "valuation was fixed by the owner or the county assessor. A change so made is effective only for the fiscal".

Amend sec. 22, page 22, by deleting lines 21 through 29 and inserting: "~~or has]~~ *NRS 361.265; or*

(b) Has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination required by NRS 361.260,".

Amend sec. 25, page 24, by deleting line 28 and inserting: "full cash value of his property is less".

Amend sec. 25, page 24, line 42, by deleting: "*a fee simple interest in*".

Amend sec. 25, page 25, by deleting lines 2 and 3 and inserting: "correspond as closely as possible to its full cash value.".

Amend sec. 26, pages 25 and 26, by deleting lines 41 through 44 on page 25 and lines 1 through 10 on page 26, and inserting:

"~~5.~~] *; or*

(b) The taxpayer has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination authorized by NRS 361.260.".

Amend the bill as a whole by deleting sec. 28 and adding:

"Sec. 28. (Deleted by amendment.)".

Amend sec. 32, page 31, by deleting lines 19 and 20 and inserting: "pursuant to chapter 37 of NRS ~~[.]~~ *, if the property acquired is real property.*".

Amend the bill as a whole by deleting sec. 33 and adding:

"Sec. 33. (Deleted by amendment.)".

Amend sec. 41, page 37, by deleting lines 42 through 44 and inserting: "June 25, 1950, and ~~[January 31, 1955;]~~ *May 7, 1975, or between September 26,*".

Amend sec. 42, page 39, by deleting lines 27 through 29 and inserting: "June 25, 1950, and ~~[January 31, 1955;]~~ *May 7, 1975, or between September 26,*".

Amend the bill as a whole by deleting sec. 49 and adding:

"Sec. 49. Chapter 250 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of each county shall by ordinance create in the county general fund an account to be designated as the Account for the Acquisition and Improvement of Technology in the Office of the County Assessor.

2. The money in the Account must be accounted for separately and not as a part of any other account.

3. The money in the Account must be used to acquire technology for or improve the technology used in the office of the county assessor, including, without limitation, the payment of costs associated with acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology. At the discretion of the county assessor, the money may be used by other county offices that do business with the county assessor.".

Amend sec. 67, page 60, by deleting line 2 and inserting: "12.3 to 41, inclusive, 43, 45 and 46.5 to 66, inclusive, of this act".

Amend the title of the bill, by deleting the fifth and sixth lines and inserting: "exemption from such taxes for an orphan child;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 16.

The following Senate amendment was read:

Amendment No. 876.

Amend sec. 2, page 2, by deleting lines 10 through 22 and inserting:

"*3. If a petition is filed pursuant to this section, the court shall determine which person or agency has possession or custody of the evidence and shall immediately issue an order requiring, during the pendency of the proceeding, each person or agency in possession or custody of the evidence to:*

(a) Preserve all evidence within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section;

(b) Within 30 days, prepare an inventory of all evidence within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section; and

(c) Within 30 days, submit a copy of the inventory to the petitioner, the prosecuting attorney and the court.

4. Within 30 days after the inventory of all evidence is prepared pursuant to subsection 3, the prosecuting attorney may file a written response to the petition with the court.".

Amend sec. 2, page 3, by deleting lines 18 through 20 and inserting:

"*8. If the results of a genetic marker analysis performed pursuant to this section are favorable to the petitioner:*

(a) The petitioner may bring a motion for a new trial based on the ground of newly discovered evidence pursuant to NRS 176.515; and

(b) The restriction on the time for filing the motion set forth in subsection 3 of NRS 176.515 is not applicable.".

Amend sec. 2, page 3, by deleting lines 27 and 28.

Amend sec. 2, page 3, line 29, by deleting "*11.*" and inserting "*10.*".

Amend sec. 2, page 3, line 36, by deleting "*12.*" and inserting "*11.*".

Amend sec. 2, page 3, line 40, by deleting "*13.*" and inserting "*12.*".

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 176.515 is hereby amended to read as follows:

176.515 1. The court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.

2. If trial was by the court without a jury the court may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment.

3. ~~[A]~~ *Except as otherwise provided in section 2 of this act, a* motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.

4. A motion for a new trial based on any other grounds must be made within 7 days after *the* verdict or finding of guilt or within such further time as the court may fix during the 7-day period.".

Amend the title of the bill by deleting the fifth line and inserting: "providing that a petitioner may file a motion for a new trial if the analysis is".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 16.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 163.

The following Senate amendment was read:

Amendment No. 897.

Amend sec. 81, pages 58 and 59, by deleting lines 18 through 44 on page 58 and lines 1 through 35 on page 59, and inserting:

"thereto the provisions set forth as sections 81.3 and 81.7 of this act.".

Amend the bill as a whole by adding new sections designated sections 81.3 and 81.7, following sec. 81, to read as follows:

"Sec. 81.3. *1. If the Department has reasonable cause to believe that any person has failed to comply with the provisions of NRS 364A.130, the Department may issue an order directed to the person to show cause why the Department should not order the person to cease and desist from conducting a business in this state. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.*

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Department determines that the person has failed to comply with the provisions of NRS 364A.130 or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Department may make a written report of its findings of fact concerning the violation and cause to be served a copy thereof upon the person at the hearing. If the Department determines in the report that such failure has occurred, the Department may order the violator to:

(a) Cease and desist from conducting a business in this state; and

(b) Pay the costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Department free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have failed to comply with the provisions of NRS 364A.130. The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Department may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) There has been a failure to comply with the provisions of NRS 364A.130;

(b) The proceedings by the Department concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and

(c) The findings of the Department are supported by the weight of the evidence,

the court shall issue an order enforcing the provisions of the order of the Department.

6. An order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Department of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Department's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

Sec. 81.7. *A person described in NRS 612.144 is exempt from the provisions of this chapter.*".

Amend the title of the bill, page 2, first line, after "licenses;" by inserting: "providing that persons selling or soliciting the sale of products in certain circumstances are exempt from business tax provisions;".

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 897 to Assembly Bill No. 163.

Remarks by Assemblymen Anderson and Arberry.

Motion carried.

The following Senate amendment was read:

Amendment No. 860.

Amend sec. 78, page 55, by deleting lines 40 through 44 and inserting: "those documents furnished by the secured party or the public utility to show the date and place of filing is:

(a) ~~[Twenty]~~ *Forty* dollars if the record is communicated in writing and consists of one or two pages;

(b) ~~[Forty]~~ *Sixty* dollars if the record is communicated in writing and consists of more than two pages, and ~~[$1]~~ *$2* for each page over 20 pages;

(c) ~~[Ten]~~ *Twenty* dollars if the record is communicated by another medium authorized by filing-office rule; and

(d) ~~[One dollar]~~ *Two dollars* for each additional debtor, trade name or reference to another name under which business is done.".

Amend sec. 79, page 56, by deleting lines 2 through 12 and inserting:

"105.080 1. Upon the request of any person, the Secretary of State shall issue his certificate showing whether there is on file, on the date and hour stated therein, any presently effective security instrument naming a particular public utility and, if there is, giving the date and hour of filing of the instrument and the names and addresses of each secured party. The uniform fee for such a certificate is:

(a) ~~[Twenty]~~ *Fifty* dollars if the request is communicated in writing; and

(b) ~~[Fifteen]~~ *Forty* dollars if the request is communicated by another medium authorized by filing-office rule.

2. Upon request, the Secretary of State or a county recorder shall furnish a copy of any filed security instrument upon payment of the statutory fee for copies.".

Amend sec. 85, page 61, line 23, by deleting "and 77" and inserting: "77 and 79.5".

Amend sec. 85, page 61, after line 42, by inserting:

"4. Sections 78 and 79 of this act become effective at 12:01 a.m. on October 1, 2003.".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment No. 860 to Assembly Bill No. 163.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 661.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 72.3 through 72.7 and adding new sections designated sections 1 through 72, following the enacting clause, to read as follows:

"Section 1. The Legislature hereby declares that:

1. Many of the fees increased pursuant to the amendatory provisions of this act have not been increased for a substantial length of time, and increasing these fees is necessary and appropriate at this time.

2. It is the intent of the Legislature that the fees increased pursuant to the amendatory provisions of this act must not be increased again for a period of at least 10 years following the enactment of this act.

Sec. 2. NRS 78.0295 is hereby amended to read as follows:

78.0295 1. A corporation may correct a document filed by the Secretary of State with respect to the corporation if the document contains an inaccurate record of a corporate action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the corporation shall:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by an officer of the corporation.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of ~~[$150]~~ *$175* to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 3. NRS 78.097 is hereby amended to read as follows:

78.097 1. A resident agent who desires to resign shall file with the Secretary of State a signed statement *, on a form provided by the Secretary of State,* for each ~~[corporation]~~ *artificial person formed, organized, registered or qualified pursuant to the provisions of this title* that he is unwilling to continue to act as the *resident* agent of the ~~[corporation]~~ *artificial person* for the service of process. *The fee for filing a statement of resignation is $100 for the first artificial person that the resident agent is unwilling to continue to act as the agent of and $1 for each additional artificial person listed on the statement of resignation.* A resignation is not effective until the signed statement is filed with the Secretary of State.

2. The statement of resignation may contain a statement of the affected corporation appointing a successor resident agent for that corporation. A certificate of acceptance executed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.

3. Upon the filing of the statement of resignation with the Secretary of State the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the corporation appointing a successor resident agent, the resigning resident agent shall immediately give written notice, by mail, to the corporation of the filing of the statement and its effect. The notice must be addressed to any officer of the corporation other than the resident agent.

4. If a resident agent dies, resigns or removes from the State, the corporation, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance executed by the new resident agent. The certificate must set forth the full name and complete street address of the new resident agent for the service of process, and may have a separate mailing address, such as *a* post office box, which may be different from the street address.

5. A corporation that fails to file a certificate of acceptance executed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the provisions of NRS 78.170 and 78.175.

Sec. 4. NRS 78.110 is hereby amended to read as follows:

78.110 1. If a corporation created pursuant to this chapter desires to change its resident agent, the change may be effected by filing with the Secretary of State a certificate of change *of resident agent* signed by an officer of the corporation which sets forth:

(a) The name of the corporation;

(b) The name and street address of its present resident agent; and

(c) The name and street address of the new resident agent.

2. The new resident agent's certificate of acceptance must be a part of or attached to the certificate of change ~~.~~ *of resident agent.*

3. *If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:*

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

4. A change authorized by this section becomes effective upon the filing of the *proper* certificate of change.

Sec. 5. NRS 78.150 is hereby amended to read as follows:

78.150 1. A corporation organized pursuant to the laws of this state shall, on or before the first day of the second month after the filing of its articles of incorporation with the Secretary of State, file with the Secretary of State a list, on a form furnished by him, containing:

(a) The name of the corporation;

(b) The file number of the corporation, if known;

(c) The names and titles of the president, secretary, treasurer and of all the directors of the corporation;

(d) The mailing or street address, either residence or business, of each officer and director listed, following the name of the officer or director;

(e) The name and street address of the *lawfully designated* resident agent of the corporation; and

(f) The signature of an officer of the corporation certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year,

file with the Secretary of State, on a form furnished by him, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by a declaration under penalty of perjury that the corporation has complied with the provisions of chapter 364A of NRS.

4. Upon filing the list required by:

(a) Subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Subsection 2, the corporation shall pay to the Secretary of State ~~[a fee of $85.]~~ *, if the amount represented by the total number of shares provided for in the articles is:*

$75,000 or less	*$125*
Over $75,000 and not over $200,000	*175*
Over $200,000 and not over $500,000	*275*
Over $500,000 and not over $1,000,000	*375*
Over $1,000,000:	
For the first $1,000,000	*375*
For each additional $500,000 or fraction thereof	*275*

The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,100.

5. *If a director or officer of a corporation resigns and the resignation is not made in conjunction with the filing of an annual or amended list of directors and officers, the corporation shall pay to the Secretary of State a fee of $75 to file the resignation of the director or officer.*

6. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 2, cause to be mailed to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice or form does not excuse it from the penalty imposed by law.

~~[6.]~~ *7.* If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 4 or ~~[8]~~ *9* is not paid, the Secretary of State may return the list for correction or payment.

~~[7.]~~ *8.* An annual list for a corporation not in default which is received by the Secretary of State more than 60 days before its due date shall be deemed an amended list for the previous year and must be accompanied by ~~[a fee of $85]~~ *the appropriate fee as provided in subsection 4* for filing. A payment submitted pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

~~[8.]~~ *9.* If the corporation is an association as defined in NRS 116.110315, the Secretary of State shall not accept the filing required by this section unless it is accompanied by evidence of the payment of the fee required to be paid pursuant to NRS 116.31155 that is provided to the association pursuant to subsection 4 of that section.

Sec. 6. NRS 78.170 is hereby amended to read as follows:

78.170 1. Each corporation required to make a filing and pay the fee prescribed in NRS 78.150 to 78.185, inclusive, which refuses or neglects to do so within the time provided shall be deemed in default.

2. For default there must be added to the amount of the fee a penalty of ~~[$50.]~~ *$75.* The fee and penalty must be collected as provided in this chapter.

Sec. 7. NRS 78.180 is hereby amended to read as follows:

78.180 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited its right to transact business pursuant to the provisions of this chapter and restore to the corporation its right to carry on business in this state, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State ~~[the]~~ *:*

(1) The list required by NRS 78.150; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 78.150 and 78.170 for each year or portion thereof during which it failed to file each required annual list in a timely manner; and

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall:

(a) Immediately issue and deliver to the corporation a certificate of reinstatement authorizing it to transact business as if the filing fee or fees had been paid when due; and

(b) Upon demand, issue to the corporation one or more certified copies of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 8. NRS 78.390 is hereby amended to read as follows:

78.390 1. Every amendment adopted pursuant to the provisions of NRS 78.385 must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed and declaring its advisability, and either call a special meeting of the stockholders entitled to vote on the amendment or direct that the proposed amendment be considered at the next annual meeting of the stockholders entitled to vote on the amendment.

(b) At the meeting, of which notice must be given to each stockholder entitled to vote pursuant to the provisions of this section, a vote of the stockholders entitled to vote in person or by proxy must be taken for and against the proposed amendment. If it appears upon the canvassing of the

votes that stockholders holding shares in the corporation entitling them to exercise at least a majority of the voting power, or such greater proportion of the voting power as may be required in the case of a vote by classes or series, as provided in subsections 2 and 4, or as may be required by the provisions of the articles of incorporation, have voted in favor of the amendment, an officer of the corporation shall sign a certificate setting forth the amendment, or setting forth the articles of incorporation as amended, and the vote by which the amendment was adopted.

(c) The certificate so signed must be filed with the Secretary of State.

2. If any proposed amendment would adversely alter or change any preference or any relative or other right given to any class or series of outstanding shares, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof.

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series is adversely affected by an amendment in a different manner than other series of the same class.

5. The resolution of the stockholders approving the proposed amendment may provide that at any time before the effective date of the amendment, notwithstanding approval of the proposed amendment by the stockholders, the board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders.

6. A certificate filed pursuant to subsection 1 becomes effective upon filing with the Secretary of State or upon a later date specified in the certificate, which must not be later than 90 days after the certificate is filed.

7. If a certificate filed pursuant to subsection 1 specifies an effective date and if the resolution of the stockholders approving the proposed amendment provides that the board of directors may abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the effectiveness of the certificate by resolution and by filing a certificate of termination with the Secretary of State that:

(a) Is filed before the effective date specified in the certificate filed pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that, pursuant to the resolution of the stockholders, the board of directors is authorized to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by an officer of the corporation; and

(f) Is accompanied by a filing fee of ~~[$150.]~~ *$175.*

Sec. 9. NRS 78.760 is hereby amended to read as follows:

78.760 1. The fee for filing articles of incorporation is prescribed in the following schedule:

If the amount represented by the total number of shares provided for in the articles is:

$75,000 or less	~~[$175]~~ *$ 75*
Over $75,000 and not over $200,000	~~[225]~~ *175*
Over $200,000 and not over $500,000	~~[325]~~ *275*
Over $500,000 and not over $1,000,000	~~[425]~~ *375*
Over $1,000,000:	
For the first $1,000,000	~~[425]~~ *375*
For each additional $500,000 or fraction thereof	~~[225]~~ *275*

2. The maximum fee which may be charged pursuant to this section is ~~[$25,000]~~ *$35,000* for:

(a) The original filing of articles of incorporation.

(b) A subsequent filing of any instrument which authorizes an increase in stock.

3. For the purposes of computing the filing fees according to the schedule in subsection 1, the amount represented by the total number of shares provided for in the articles of incorporation is:

(a) The aggregate par value of the shares, if only shares with a par value are therein provided for;

(b) The product of the number of shares multiplied by $1, regardless of any lesser amount prescribed as the value or consideration for which shares may be issued and disposed of, if only shares without par value are therein provided for; or

(c) The aggregate par value of the shares with a par value plus the product of the number of shares without par value multiplied by $1, regardless of any lesser amount prescribed as the value or consideration for which the shares without par value may be issued and disposed of, if shares with and without par value are therein provided for.

For the purposes of this subsection, shares with no prescribed par value shall be deemed shares without par value.

4. The Secretary of State shall calculate filing fees pursuant to this section with respect to shares with a par value of less than one-tenth of a cent as if the par value were one-tenth of a cent.

Sec. 10. NRS 78.765 is hereby amended to read as follows:

78.765 1. The fee for filing a certificate changing the number of authorized shares pursuant to NRS 78.209 or a certificate of amendment to articles of incorporation that increases the corporation's authorized stock or a certificate of correction that increases the corporation's authorized stock is the difference between the fee computed at the rates specified in NRS 78.760 upon the total authorized stock of the corporation, including the proposed increase, and the fee computed at the rates specified in NRS 78.760 upon the

total authorized capital, excluding the proposed increase. In no case may the amount be less than ~~[$150.]~~ *$175.*

2. The fee for filing a certificate of amendment to articles of incorporation that does not increase the corporation's authorized stock or a certificate of correction that does not increase the corporation's authorized stock is ~~[$150.]~~ *$175.*

3. The fee for filing a certificate or an amended certificate pursuant to NRS 78.1955 is ~~[$150.]~~ *$175.*

4. The fee for filing a certificate of termination pursuant to NRS 78.1955, 78.209 or 78.380 is ~~[$150.]~~ *$175.*

Sec. 11. NRS 78.767 is hereby amended to read as follows:

78.767 1. The fee for filing a certificate of restated articles of incorporation that does not increase the corporation's authorized stock is ~~[$150.]~~ *$175.*

2. The fee for filing a certificate of restated articles of incorporation that increases the corporation's authorized stock is the difference between the fee computed pursuant to NRS 78.760 based upon the total authorized stock of the corporation, including the proposed increase, and the fee computed pursuant to NRS 78.760 based upon the total authorized stock of the corporation, excluding the proposed increase. In no case may the amount be less than ~~[$150.]~~ *$175.*

Sec. 12. NRS 78.780 is hereby amended to read as follows:

78.780 1. The fee for filing a certificate of extension of corporate existence of any corporation is an amount equal to one-fourth of the fee computed at the rates specified in NRS 78.760 for filing articles of incorporation.

2. The fee for filing a certificate of dissolution whether it occurs before or after payment of capital and beginning of business is ~~[$60.]~~ *$75.*

Sec. 13. NRS 78.785 is hereby amended to read as follows:

78.785 1. The fee for filing a certificate of change of location of a corporation's registered office and resident agent, or a new designation of resident agent, is ~~[$30.]~~ *$60.*

2. The fee for certifying articles of incorporation where a copy is provided is ~~[$20.]~~ *$30.*

3. The fee for certifying a copy of an amendment to articles of incorporation, or to a copy of the articles as amended, where a copy is furnished, is ~~[$20.]~~ *$30.*

4. The fee for certifying an authorized printed copy of the general corporation law as compiled by the Secretary of State is ~~[$20.]~~ *$30.*

5. The fee for reserving a corporate name is ~~[$20.]~~ *$25.*

6. The fee for executing a certificate of corporate existence which does not list the previous documents relating to the corporation, or a certificate of change in a corporate name, is ~~[$40.]~~ *$50.*

7. The fee for executing a certificate of corporate existence which lists the previous documents relating to the corporation is ~~[$40.]~~ *$50.*

8. The fee for executing, certifying or filing any certificate or document not provided for in NRS 78.760 to 78.785, inclusive, is ~~[$40.]~~ *$50.*

9. The fee for copies made at the Office of the Secretary of State is ~~[$1]~~ *$2* per page.

10. The fees for filing articles of incorporation, articles of merger, or certificates of amendment increasing the basic surplus of a mutual or reciprocal insurer must be computed pursuant to NRS 78.760, 78.765 and 92A.210, on the basis of the amount of basic surplus of the insurer.

11. The fee for examining and provisionally approving any document at any time before the document is presented for filing is ~~[$100.]~~ *$125.*

Sec. 14. NRS 78.795 is hereby amended to read as follows:

78.795 1. Any natural person or corporation residing or located in this state may ~~[, on or after January 1 of any year but before January 31 of that year,]~~ register *for that calendar year* his willingness to serve as the resident agent of a domestic or foreign corporation, limited-liability company or limited partnership with the Secretary of State. The registration must *state the full, legal name of the person or corporation willing to serve as the resident agent and* be accompanied by a fee of ~~[$250]~~ *$500* per office location of the resident agent.

2. The Secretary of State shall maintain a list of those persons who are registered pursuant to subsection 1 and make the list available to persons seeking to do business in this state.

3. A person registered pursuant to subsection 1 may apply to the Secretary of State to amend any information pertaining to that person contained in the list for a fee of $50.

4. The Secretary of State may adopt regulations prescribing the content, maintenance and presentation of the list.

Sec. 15. NRS 80.050 is hereby amended to read as follows:

80.050 1. Except as otherwise provided in subsection 3, foreign corporations shall pay the same fees to the Secretary of State as are required to be paid by corporations organized pursuant to the laws of this state, but the amount of fees to be charged must not exceed:

(a) The sum of ~~[$25,000]~~ *$35,000* for filing documents for initial qualification; or

(b) The sum of ~~[$25,000]~~ *$35,000* for each subsequent filing of a certificate increasing authorized capital stock.

2. If the corporate documents required to be filed set forth only the total number of shares of stock the corporation is authorized to issue without reference to value, the authorized shares shall be deemed to be without par value and the filing fee must be computed pursuant to paragraph (b) of subsection 3 of NRS 78.760.

3. Foreign corporations which are nonprofit corporations and do not have or issue shares of stock shall pay the same fees to the Secretary of State as are required to be paid by nonprofit corporations organized pursuant to the laws of this state.

4. The fee for filing a notice of withdrawal from the State of Nevada by a foreign corporation is ~~[$60.]~~ *$75.*

Sec. 16. NRS 80.070 is hereby amended to read as follows:

80.070 1. A foreign corporation may change its resident agent by filing with the Secretary of State:

(a) A certificate of change ~~[.]~~ *of resident agent,* signed by an officer of the corporation, setting forth:

(1) The name of the corporation;

(2) The name and street address of the present resident agent; and

(3) The name and street address of the new resident agent; and

(b) A certificate of acceptance executed by the new resident agent, which must be a part of or attached to the certificate of change ~~[.~~ ~~The change authorized by this subsection becomes effective upon the filing of the certificate of change.]~~ *of resident agent.*

2. *If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:*

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

3. A change authorized by subsection 1 or 2 becomes effective upon the filing of the proper certificate of change.

4. A ~~[person who has been designated by a foreign corporation as]~~ resident agent ~~[may file]~~ *who desires to resign shall:*

(a) File with the Secretary of State a signed statement *in the manner provided pursuant to subsection 1 of NRS 78.097* that he is unwilling to continue to act as the *resident* agent of the corporation for the service of process ~~[.~~ ~~3.]~~ *; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097. A resignation is not effective until the signed statement is filed with the Secretary of State.

5. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation is not accompanied by a statement of the corporation appointing a successor resident agent, the resigning resident agent shall give written notice, by mail, to the corporation, of the filing of the statement and its effect. The notice must be addressed to any officer of the corporation other than the resident agent.

~~[4.]~~ *6.* If a resident agent dies, resigns or moves from the State, the corporation, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance executed by the new resident agent. The certificate must set forth the name of the new resident agent, his street address for the service of process, and his mailing address if different from his street address.

~~[5.]~~ *7.* A corporation that fails to file a certificate of acceptance executed by a new resident agent within 30 days after the death, resignation or removal of its resident agent shall be deemed in default and is subject to the provisions of NRS 80.150 and 80.160.

Sec. 17. NRS 80.110 is hereby amended to read as follows:

80.110 1. Each foreign corporation doing business in this state shall, on or before the first day of the second month after the filing of its certificate of corporate existence with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this state occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The names of its president, secretary and treasurer or their equivalent, and all of its directors;

(b) ~~[A designation of its]~~ *The name and street address of the lawfully designated* resident agent *of the corporation* in this state; and

(c) The signature of an officer of the corporation.

Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the foreign corporation has complied with the provisions of chapter 364A of NRS.

2. Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State ~~[a fee of $85.]~~ *, if the amount represented by the total number of shares provided for in the articles is:*

$75,000 or less	*$125*
Over $75,000 and not over $200,000	*175*
Over $200,000 and not over $500,000	*275*
Over $500,000 and not over $1,000,000	*375*
Over $1,000,000:	
For the first $1,000,000	*375*
For each additional $500,000 or fraction thereof	*275*

The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,100.

3. *If a director or officer of a corporation resigns and the resignation is not made in conjunction with the filing of an annual or amended list of directors and officers, the corporation shall pay to the Secretary of State a fee of $75 to file the resignation of the director or officer.*

4. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each corporation required to comply with the provisions of NRS 80.110 to 80.170, inclusive, which has not become delinquent, the blank forms to be completed and filed with him. Failure of any corporation to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.170, inclusive.

~~[4.]~~ *5.* An annual list for a corporation not in default which is received by the Secretary of State more than 60 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 18. NRS 80.150 is hereby amended to read as follows:

80.150 1. Any corporation required to make a filing and pay the fee prescribed in NRS 80.110 to 80.170, inclusive, which refuses or neglects to do so within the time provided, is in default.

2. For default there must be added to the amount of the fee a penalty of ~~[$50,]~~ *$75,* and unless the filing is made and the fee and penalty are paid on or before the first day of the ninth month following the month in which filing was required, the defaulting corporation by reason of its default forfeits its right to transact any business within this state. The fee and penalty must be collected as provided in this chapter.

Sec. 19. NRS 80.170 is hereby amended to read as follows:

80.170 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business under the provisions of this chapter and restore to the corporation its right to transact business in this state, and to exercise its corporate privileges and immunities if it:

(a) Files with the Secretary of State ~~[a]~~ *:*

(1) The list as provided in NRS 80.110 and 80.140; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 80.110 and 80.150 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. If payment is made and the Secretary of State reinstates the corporation to its former rights, he shall:

(a) Immediately issue and deliver to the corporation so reinstated a certificate of reinstatement authorizing it to transact business in the same manner as if the filing fee had been paid when due; and

(b) Upon demand, issue to the corporation one or more certified copies of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the right

to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a corporation to transact business in this state has been forfeited pursuant to the provisions of NRS 80.160 and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

Sec. 19.5. NRS 80.190 is hereby amended to read as follows:

80.190 1. Except as otherwise provided in subsection 2, each foreign corporation doing business in this state shall, not later than the month of March in each year, publish a statement of its last calendar year's business in two numbers or issues of a newspaper published in this state ~~[.]~~ *that has a total weekly circulation of at least 1,000. The statement must include:*

(a) The name of the corporation.

(b) The name and title of the corporate officer submitting the statement.

(c) The mailing or street address of the corporation's principal office.

(d) The mailing or street address of the corporation's office in this state, if one exists.

(e) The total assets and liabilities of the corporation at the end of the year.

2. If the corporation keeps its records on the basis of a fiscal year other than the calendar, the statement required by subsection 1 must be published not later than the end of the third month following the close of each fiscal year.

3. A corporation which neglects or refuses to publish a statement as required by this section is liable to a penalty of $100 for each month that the statement remains unpublished.

4. Any district attorney in the State or the Attorney General may sue to recover the penalty. The first county suing through its district attorney shall recover the penalty, and if no suit is brought for the penalty by any district attorney, the State may recover through the Attorney General.

Sec. 20. NRS 82.193 is hereby amended to read as follows:

82.193 1. A corporation shall have a resident agent in the manner provided in NRS 78.090, 78.095, 78.097 and 78.110. The resident agent and the corporation shall comply with the provisions of those sections.

2. A corporation is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is ~~[$15;]~~ *$25;*

(b) The penalty added for default is ~~[$5;]~~ *$50;* and

(c) The fee for reinstatement is ~~[$25.]~~ *$100.*

Sec. 21. NRS 82.531 is hereby amended to read as follows:

82.531 1. The fee for filing articles of incorporation, amendments to or restatements of articles of incorporation, certificates pursuant to NRS 82.061 and 82.063 and documents for dissolution is ~~[$25]~~ *$50* for each document.

2. Except as otherwise provided in NRS 82.193 and subsection 1, the fees for filing documents are those set forth in NRS 78.765 to 78.785, inclusive.

Sec. 22. NRS 82.546 is hereby amended to read as follows:

82.546 1. Any corporation which did exist or is existing pursuant to the laws of this state may, upon complying with the provisions of NRS 78.150 and 82.193, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or its existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name and street address of the *lawfully designated* resident agent of the filing corporation, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer and all of its directors and their post office box and street addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary. The certificate must be approved by a majority of the last-appointed surviving directors.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary. The execution and filing of the certificate must be approved unanimously by the last-appointed surviving directors of the corporation and must contain a recital that unanimous consent was secured. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation named therein.

Sec. 23. NRS 84.090 is hereby amended to read as follows:

84.090 1. The fee for filing articles of incorporation, amendments to or restatements of articles of incorporation ~~[, certificates of reinstatement]~~ and documents for dissolution is ~~[$25]~~ *$50* for each document.

2. Except as otherwise provided in this chapter, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 24. NRS 84.110 is hereby amended to read as follows:

84.110 1. Every corporation sole must have a resident agent in the manner provided in NRS 78.090 and 78.095, subsections 1 to 4, inclusive, of NRS 78.097 and NRS 78.110. The resident agent shall comply with the provisions of those sections.

2. A corporation sole that fails to file a certificate of acceptance executed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the provisions of NRS 84.130 and 84.140.

3. ~~[No]~~ *A* corporation sole ~~[may be required to file an annual list of officers, directors and designation of resident agent.]~~ *is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:*

(a) The fee for filing a list is $25;

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 24.5. NRS 84.120 is hereby amended to read as follows:

84.120 1. A resident agent who wishes to resign shall ~~[file]~~ *:*

(a) File with the Secretary of State a signed statement ~~[for each corporation sole]~~ *in the manner provided pursuant to subsection 1 of NRS 78.097* that he is unwilling to continue to act as the *resident* agent of the corporation for the service of process ~~[.]~~ *; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097. A resignation is not effective until the signed statement is filed with the Secretary of State.

2. The statement of resignation may contain a statement of the affected corporation sole appointing a successor resident agent for that corporation. A certificate of acceptance executed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.

3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the corporation sole appointing a successor resident agent, the resigning resident agent shall immediately give written notice, by mail, to the corporation of the filing of the statement and its effect. The notice must be addressed to the person in whom is vested the legal title to property specified in NRS 84.020.

4. If a resident agent dies, resigns or removes from the State, the corporation sole, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance executed by the new resident

agent. The certificate must set forth the full name and complete street address of the new resident agent for the service of process, and may have a separate mailing address, such as a post office box, which may be different from the street address.

5. A corporation sole that fails to file a certificate of acceptance executed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the provisions of NRS 84.130 and 84.140.

Sec. 25. NRS 86.226 is hereby amended to read as follows:

86.226 1. A signed certificate of amendment, or a certified copy of a judicial decree of amendment, must be filed with the Secretary of State. A person who executes a certificate as an agent, officer or fiduciary of the limited-liability company need not exhibit evidence of his authority as a prerequisite to filing. Unless the Secretary of State finds that a certificate does not conform to law, upon his receipt of all required filing fees he shall file the certificate.

2. A certificate of amendment or judicial decree of amendment is effective upon filing with the Secretary of State or upon a later date specified in the certificate or judicial decree, which must not be more than 90 days after the certificate or judicial decree is filed.

3. If a certificate specifies an effective date and if the resolution of the members approving the proposed amendment provides that one or more managers or, if management is not vested in a manager, one or more members may abandon the proposed amendment, then those managers or members may terminate the effectiveness of the certificate by filing a certificate of termination with the Secretary of State that:

(a) Is filed before the effective date specified in the certificate or judicial decree filed pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that, pursuant to the resolution of the members, the manager of the company or, if management is not vested in a manager, a designated member is authorized to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by a manager of the company or, if management is not vested in a manager, a designated member; and

(f) Is accompanied by a filing fee of ~~[$150.]~~ *$175.*

Sec. 26. NRS 86.235 is hereby amended to read as follows:

86.235 1. If a limited-liability company formed pursuant to this chapter desires to change its resident agent, the change may be effected by filing with the Secretary of State a certificate of change *of resident agent* signed by a manager of the company or, if management is not vested in a manager, by a member, that sets forth:

(a) The name of the limited-liability company;

(b) The name and street address of its present resident agent; and

(c) The name and street address of the new resident agent.

2. The new resident agent's certificate of acceptance must be a part of or attached to the certificate of change ~~[~~.

~~3. The]~~ *of resident agent.*

3. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

4. A change authorized by this section becomes effective upon the filing of the *proper* certificate of change.

Sec. 26.5. NRS 86.251 is hereby amended to read as follows:

86.251 1. A resident agent who desires to resign shall ~~[file]~~ *:*

(a) File with the Secretary of State a signed statement ~~[for each limited-liability company]~~ *in the manner provided pursuant to subsection 1 of NRS 78.097* that he is unwilling to continue to act as the *resident* agent of the limited-liability company for the service of process ~~[.]~~ *; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097. A resignation is not effective until the signed statement is filed with the Secretary of State.

2. The statement of resignation may contain a statement of the affected limited-liability company appointing a successor resident agent for that limited-liability company, giving the agent's full name, street address for the service of process, and mailing address if different from the street address. A certificate of acceptance executed by the new resident agent must accompany the statement appointing a successor resident agent.

3. Upon the filing of the statement of resignation with the Secretary of State the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the limited-liability company appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the limited-liability company of the filing of the statement and its effect. The notice must be addressed to any manager or, if none, to any member, of the limited-liability company other than the resident agent.

4. If a resident agent dies, resigns or moves from the State, the limited-liability company, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance executed by the new resident agent. The certificate must set forth the name, complete street address and mailing address, if different from the street address, of the new resident agent.

5. Each limited-liability company which fails to file a certificate of acceptance executed by the new resident agent within 30 days after the death, resignation or removal of its resident agent as provided in subsection 4, shall be deemed in default and is subject to the provisions of NRS 86.272 and 86.274.

Sec. 27. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the first day of the second month after the filing of its articles of organization with the Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The mailing or street address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;

(e) The name and street address of the *lawfully designated* resident agent of the limited-liability company; and

(f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall annually thereafter, on or before the last day of the month in which the anniversary date of its organization occurs, file with the Secretary of State, on a form furnished by him, an amended list containing all of the information required in subsection 1. ~~[If the limited liability company has had no changes in its managers or, if there is no manager, its managing members, since its previous list was filed, no amended list need be filed if a manager or managing member of the limited liability company certifies to the Secretary of State as a true and accurate statement that no changes in the managers or managing members have occurred.]~~

3. Each list required by ~~[subsection 1 and each list or certification required by subsection]~~ *subsections 1 and* 2 must be accompanied by a declaration under penalty of perjury that the limited-liability company has complied with the provisions of chapter 364A of NRS.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual list required by subsection 2 *,* ~~[or certifying that no changes have occurred,]~~ the limited-liability company shall pay to the Secretary of State a fee of ~~[$85.]~~ *$125.*

5. *If a manager or managing member of a limited-liability company resigns and the resignation is not made in conjunction with the filing of an annual or amended list of managers and managing members, the limited-*

liability company shall pay to the Secretary of State a fee of $75 to file the resignation of the manager or managing member.

6. The Secretary of State shall, 60 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company required to comply with the provisions of this section, which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2 . ~~[or a certification of no change.]~~ Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

~~[6.]~~ *7.* If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

~~[7.]~~ *8.* An annual list for a limited-liability company not in default received by the Secretary of State more than 60 days before its due date shall be deemed an amended list for the previous year.

Sec. 28. NRS 86.272 is hereby amended to read as follows:

86.272 1. Each limited-liability company required to make a filing and pay the fee prescribed in NRS 86.263 which refuses or neglects to do so within the time provided is in default.

2. For default there must be added to the amount of the fee a penalty of ~~[$50.]~~ *$75.* The fee and penalty must be collected as provided in this chapter.

Sec. 29. NRS 86.276 is hereby amended to read as follows:

86.276 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited-liability company which has forfeited its right to transact business pursuant to the provisions of this chapter and restore to the company its right to carry on business in this state, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State ~~[the]~~ *:*

(1) The list required by NRS 86.263; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.263 and 86.272 for each year or portion thereof during which it failed *to file* in a timely manner each required annual list; and

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. When the Secretary of State reinstates the limited-liability company, he shall:

(a) Immediately issue and deliver to the company a certificate of reinstatement authorizing it to transact business as if the filing fee had been paid when due; and

(b) Upon demand, issue to the company one or more certified copies of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a company's charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 30. NRS 86.401 is hereby amended to read as follows:

86.401 1. On application to a court of competent jurisdiction by a judgment creditor of a member, the court may charge the member's interest with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the member's interest.

2. ~~[The court may appoint a receiver of the share of the distributions due or to become due to the judgment debtor in respect of the limited liability company. The receiver has only the rights of an assignee. The court may make all other orders, directions, accounts and inquiries that the judgment debtor might have made or which the circumstances of the case may require.~~

~~3. A charging order constitutes a lien on the member's interest of the judgment debtor. The court may order a foreclosure of the member's interest subject to the charging order at any time. The purchaser at the foreclosure sale has only the rights of an assignee.~~

~~4. Unless otherwise provided in the articles of organization or operating agreement, at any time before foreclosure, a member's interest charged may be redeemed:~~

~~(a) By the judgment debtor;~~

~~(b) With property other than property of the limited liability company, by one or more of the other members; or~~

~~(c) By the limited liability company with the consent of all of the members whose interests are not so charged.~~

~~5.~~] This section ~~[provides]~~ *:*

(a) Provides the exclusive remedy by which a judgment creditor of a member or an assignee of a member may satisfy a judgment out of the member's interest of the judgment debtor.

~~[6. No creditor of a member has any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the limited liability company.~~

~~7. This section does~~]

(b) Does not deprive any member of the benefit of any exemption applicable to his interest.

Sec. 31. NRS 86.561 is hereby amended to read as follows:

86.561 1. The Secretary of State shall charge and collect for:

(a) Filing the original articles of organization, or for registration of a foreign company, ~~[$175;]~~ *$75;*

(b) Amending or restating the articles of organization, amending the registration of a foreign company or filing a certificate of correction, ~~[$150;]~~ *$175;*

(c) Filing the articles of dissolution of a domestic or foreign company, ~~[$60;]~~ *$75;*

(d) Filing a statement of change of address of a records or registered office, or change of the resident agent, ~~[$30;]~~ *$60;*

(e) Certifying articles of organization or an amendment to the articles, in both cases where a copy is provided, ~~[$20;]~~ *$30;*

(f) Certifying an authorized printed copy of this chapter, ~~[$20;]~~ *$30;*

(g) Reserving a name for a limited-liability company, ~~[$20;]~~ *$25;*

(h) Filing a certificate of cancellation, ~~[$60;]~~ *$75;*

(i) Executing, filing or certifying any other document, ~~[$40;]~~ *$50;* and

(j) Copies made at the Office of the Secretary of State, ~~[$1]~~ *$2* per page.

2. The Secretary of State shall charge and collect at the time of any service of process on him as agent for service of process of a limited-liability company, ~~[$10]~~ *$100* which may be recovered as taxable costs by the party to the action causing the service to be made if the party prevails in the action.

3. Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 32. NRS 86.568 is hereby amended to read as follows:

86.568 1. A limited-liability company may correct a document filed by the Secretary of State with respect to the limited-liability company if the document contains an inaccurate record of a company action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the limited-liability company must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited-liability company;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by a manager of the company, or if management is not vested in a manager, by a member of the company.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of ~~[$150]~~ *$175* to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 33. NRS 86.580 is hereby amended to read as follows:

86.580 1. A limited-liability company which did exist or is existing pursuant to the laws of this state may, upon complying with the provisions of NRS 86.276, procure a renewal or revival of its charter for any period,

together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the limited-liability company, which must be the name of the limited-liability company at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name of the person *lawfully* designated as the resident agent of the limited-liability company, his street address for the service of process, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the limited-liability company desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its managers, or if there are no managers, all its managing members and their post office box or street addresses, either residence or business.

2. A limited-liability company whose charter has not expired and is being renewed shall cause the certificate to be signed by its manager, or if there is no manager, by a person designated by its members. The certificate must be approved by a majority in interest.

3. A limited-liability company seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the members. The execution and filing of the certificate must be approved by the written consent of a majority in interest and must contain a recital that this consent was secured. The limited-liability company shall pay to the Secretary of State the fee required to establish a new limited-liability company pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence of the limited-liability company therein named.

Sec. 34. NRS 87.460 is hereby amended to read as follows:

87.460 1. A certificate of registration of a registered limited-liability partnership may be amended by filing with the Secretary of State a certificate of amendment. The certificate of amendment must set forth:

(a) The name of the registered limited-liability partnership;

(b) The dates on which the registered limited-liability partnership filed its original certificate of registration and any other certificates of amendment; and

(c) The change to the information contained in the original certificate of registration or any other certificates of amendment.

2. The certificate of amendment must be:

(a) Signed by a managing partner of the registered limited-liability partnership; and

(b) Accompanied by a fee of ~~[$150.]~~ *$175*.

Sec. 35. NRS 87.470 is hereby amended to read as follows:

87.470 The registration of a registered limited-liability partnership is effective until:

1. Its certificate of registration is revoked pursuant to NRS 87.520; or

2. The registered limited-liability partnership files with the Secretary of State a written notice of withdrawal executed by a managing partner. The notice must be accompanied by a fee of ~~[$60.]~~ *$75*.

Sec. 36. NRS 87.490 is hereby amended to read as follows:

87.490 1. If a registered limited-liability partnership wishes to change the location of its principal office in this state or its resident agent, it shall first file with the Secretary of State a certificate of change *of principal office or resident agent* that sets forth:

(a) The name of the registered limited-liability partnership;

(b) The street address of its principal office;

(c) If the location of its principal office will be changed, the street address of its new principal office;

(d) The name of its resident agent; and

(e) If its resident agent will be changed, the name of its new resident agent.

~~[The]~~

2. A certificate of acceptance ~~[of its]~~ *signed by the* new resident agent must accompany the certificate of change ~~[.~~

~~2.]~~ *of resident agent.*

3. A certificate of change *of principal office or resident agent* filed pursuant to this section must be:

(a) Signed by a managing partner of the registered limited-liability partnership; and

(b) Accompanied by a fee of ~~[$30.]~~ *$60*.

4. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

5. A change authorized by this section becomes effective upon the filing of the proper certificate of change.

Sec. 36.5. NRS 87.500 is hereby amended to read as follows:

87.500 1. A resident agent ~~[of a registered limited-liability partnership]~~ who wishes to resign shall ~~[file]~~ *:*

(a) File with the Secretary of State a signed statement *in the manner provided pursuant to subsection 1 of NRS 78.097* that he is unwilling to continue to act as the resident agent of the registered limited-liability partnership for *the* service of process ~~[.]~~ *; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097. A resignation is not effective until the signed statement is filed with the Secretary of State.

2. The statement of resignation may contain a statement by the affected registered limited-liability partnership appointing a successor resident agent. A certificate of acceptance signed by the new agent, stating the full name, complete street address and, if different from the street address, the mailing address of the new agent, must accompany the statement appointing the new resident agent.

3. Upon the filing of the statement with the Secretary of State, the capacity of the person as resident agent terminates. If the statement of resignation contains no statement by the registered limited-liability partnership appointing a successor resident agent, the resigning agent shall immediately give written notice, by certified mail, to the registered limited-liability partnership of the filing of the statement and its effect. The notice must be addressed to a managing partner in this state.

4. If a resident agent dies, resigns or removes himself from the State, the registered limited-liability partnership shall, within 30 days thereafter, file with the Secretary of State a certificate of acceptance, executed by the new resident agent. The certificate must set forth the full name, complete street address and, if different from the street address, the mailing address of the newly designated resident agent.

5. If a registered limited-liability partnership fails to file a certificate of acceptance within the period required by ~~[this subsection,]~~ *subsection 4,* it is in default and is subject to the provisions of NRS 87.520.

Sec. 37. NRS 87.510 is hereby amended to read as follows:

87.510 1. A registered limited-liability partnership shall, on or before the first day of the second month after the filing of its certificate of registration with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the registered limited-liability partnership;

(b) The file number of the registered limited-liability partnership, if known;

(c) The names of all of its managing partners;

(d) The mailing or street address, either residence or business, of each managing partner;

(e) The name and street address of the *lawfully designated* resident agent of the registered limited-liability partnership; and

(f) The signature of a managing partner of the registered limited-liability partnership certifying that the list is true, complete and accurate.

Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of chapter 364A of NRS.

2. Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$85.]~~ *$125.*

3. *If a managing partner of a registered limited-liability partnership resigns and the resignation is not made in conjunction with the filing of an annual or amended list of managing partners, the registered limited-liability partnership shall pay to the Secretary of State a fee of $75 to file the resignation of the managing partner.*

4. The Secretary of State shall, at least 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to the registered limited-liability partnership a notice of the fee due pursuant to subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice or form does not excuse it from complying with the provisions of this section.

~~[4.]~~ *5.* If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.

~~[5.]~~ *6.* An annual list that is filed by a registered limited-liability partnership which is not in default more than 60 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 38. NRS 87.520 is hereby amended to read as follows:

87.520 1. A registered limited-liability partnership that fails to comply with the provisions of NRS 87.510 is in default.

2. Any registered limited-liability partnership that is in default pursuant to subsection 1 must, in addition to the fee required to be paid pursuant to NRS 87.510, pay a penalty of ~~[$50.]~~ *$75.*

3. On or before the 15th day of the third month after the month in which the fee required to be paid pursuant to NRS 87.510 is due, the

Secretary of State shall notify, by certified mail, the resident agent of any registered limited-liability partnership that is in default. The notice must include the amount of any payment that is due from the registered limited-liability partnership.

4. If a registered limited-liability partnership fails to pay the amount that is due, the certificate of registration of the registered limited-liability partnership shall be deemed revoked on the first day of the ninth month after the month in which the fee required to be paid pursuant to NRS 87.510 was due. The Secretary of State shall notify a registered limited-liability partnership, by certified mail, addressed to its resident agent or, if the registered limited-liability partnership does not have a resident agent, to a managing partner, that its certificate of registration is revoked and the amount of any fees and penalties that are due.

Sec. 39. NRS 87.530 is hereby amended to read as follows:

87.530 1. Except as otherwise provided in subsection 3, the Secretary of State shall reinstate the certificate of registration of a registered limited-liability partnership that is revoked pursuant to NRS 87.520 if the registered limited-liability partnership:

(a) Files with the Secretary of State ~~[the]~~ *:*

(1) The information required by NRS 87.510; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The fee required to be paid by ~~[that section;]~~ *NRS 87.510;*

(2) Any penalty required to be paid pursuant to NRS 87.520; and

(3) A reinstatement fee of ~~[$200.]~~ *$300.*

2. Upon reinstatement of a certificate of registration pursuant to this section, the Secretary of State shall:

(a) Deliver to the registered limited-liability partnership a certificate of reinstatement authorizing it to transact business retroactively from the date the fee required by NRS 87.510 was due; and

(b) Upon request, issue to the registered limited-liability partnership one or more certified copies of the certificate of reinstatement.

3. The Secretary of State shall not reinstate the certificate of registration of a registered limited-liability partnership if the certificate was revoked pursuant to NRS 87.520 at least 5 years before the date of the proposed reinstatement.

Sec. 40. NRS 87.547 is hereby amended to read as follows:

87.547 1. A limited-liability partnership may correct a document filed by the Secretary of State with respect to the limited-liability partnership if the document contains an inaccurate record of a partnership action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the limited-liability partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited-liability partnership;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by a managing partner of the limited-liability partnership.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of ~~[$150]~~ *$175* to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 41. NRS 87.550 is hereby amended to read as follows:

87.550 In addition to any other fees required by NRS 87.440 to 87.540, inclusive, and 87.560, the Secretary of State shall charge and collect the following fees for services rendered pursuant to those sections:

1. For certifying documents required by NRS 87.440 to 87.540, inclusive, and 87.560, ~~[$20]~~ *$30* per certification.

2. For executing a certificate verifying the existence of a registered limited-liability partnership, if the registered limited-liability partnership has not filed a certificate of amendment, ~~[$40.]~~ *$50.*

3. For executing a certificate verifying the existence of a registered limited-liability partnership, if the registered limited-liability partnership has filed a certificate of amendment, ~~[$40.]~~ *$50.*

4. For executing, certifying or filing any certificate or document not required by NRS 87.440 to 87.540, inclusive, and 87.560, ~~[$40.]~~ *$50.*

5. For any copies made by the Office of the Secretary of State, ~~[$1]~~ *$2* per page.

6. For examining and provisionally approving any document before the document is presented for filing, ~~[$100.]~~ *$125.*

Sec. 42. Chapter 88 of NRS is hereby amended by adding thereto the provisions set forth as sections 43 to 50, inclusive, of this act.

Sec. 43. *1. To become a registered limited-liability limited partnership, a limited partnership shall file with the Secretary of State a certificate of registration stating each of the following:*

(a) The name of the limited partnership.

(b) The street address of its principal office.

(c) The name of the person designated as the resident agent of the limited partnership, the street address of the resident agent where process may be served upon the partnership and the mailing address of the resident agent if it is different from his street address.

(d) The name and business address of each organizer executing the certificate.

(e) The name and business address of each initial general partner.

(f) That the limited partnership thereafter will be a registered limited-liability limited partnership.

(g) Any other information that the limited partnership wishes to include.

2. The certificate of registration must be executed by the vote necessary to amend the partnership agreement or, in the case of a partnership agreement that expressly considers contribution obligations, the vote necessary to amend those provisions.

3. The Secretary of State shall register as a registered limited-liability limited partnership any limited partnership that submits a completed certificate of registration with the required fee.

4. The registration of a registered limited-liability limited partnership is effective at the time of the filing of the certificate of registration.

Sec. 44. *1. The name proposed for a registered limited-liability limited partnership must contain the words "Limited-Liability Limited Partnership" or "Registered Limited-Liability Limited Partnership" or the abbreviation "L.L.L.P." or "LLLP" as the last words or letters of the name and must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If the name of the registered limited-liability limited partnership on a certificate of registration of limited-liability limited partnership submitted to the Secretary of State is not distinguishable from any name on file or reserved name, the Secretary of State shall return the certificate to the person who signed it, unless the written, acknowledged consent to the same name of the holder of the name on file or reserved name to use the name accompanies the certificate.*

2. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination of these.

3. The name of a registered limited-liability limited partnership whose right to transact business has been forfeited, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 45. *The registration of a registered limited-liability limited partnership is effective until:*

1. Its certificate of registration is revoked pursuant to NRS 88.405; or

2. The registered limited-liability limited partnership files with the Secretary of State a written notice of withdrawal executed by a general partner. The notice must be accompanied by a fee of $60.

Sec. 46. *The status of a limited partnership as a registered limited-liability limited partnership, and the liability of its partners, are not affected*

by errors in the information contained in a certificate of registration or an annual list required to be filed with the Secretary of State, or by changes after the filing of such a certificate or list in the information contained in the certificate or list.

Sec. 47. *1. Notwithstanding any provision in a partnership agreement that may have existed before a limited partnership became a registered limited-liability limited partnership pursuant to section 43 of this act, if a registered limited-liability limited partnership incurs a debt or liability:*

(a) The debt or liability is solely the responsibility of the registered limited-liability limited partnership; and

(b) A partner of a registered limited-liability limited partnership is not individually liable for the debt or liability by way of acting as a partner.

2. For purposes of this section, the failure of a registered limited-liability limited partnership to observe the formalities or requirements relating to the management of the registered limited-liability limited partnership, in and of itself, is not sufficient to establish grounds for imposing personal liability on a partner for a debt or liability of the registered limited-liability limited partnership.

Sec. 48. *1. Except as otherwise provided by specific statute, no partner of a registered limited-liability limited partnership is individually liable for a debt or liability of the registered limited-liability limited partnership, unless the partner acts as the alter ego of the registered limited-liability limited partnership.*

2. A partner acts as the alter ego of a registered limited-liability limited partnership if:

(a) The registered limited-liability limited partnership is influenced and governed by the partner;

(b) There is such unity of interest and ownership that the registered limited-liability limited partnership and the partner are inseparable from each other; and

(c) Adherence to the fiction of a separate entity would sanction fraud or promote a manifest injustice.

3. The question of whether a partner acts as the alter ego of a registered limited-liability limited partnership must be determined by the court as a matter of law.

Sec. 49. *To the extent permitted by the law of that jurisdiction:*

1. A limited partnership, including a registered limited-liability limited partnership, formed and existing under this chapter, may conduct its business, carry on its operations, and exercise the powers granted by this chapter in any state, territory, district or possession of the United States or in any foreign country.

2. The internal affairs of a limited partnership, including a registered limited-liability limited partnership, formed and existing under this chapter, including the liability of partners for debts, obligations and liabilities of or chargeable to the partnership, are governed by the laws of this state.

Sec. 50. *The name of a foreign registered limited-liability limited partnership that is doing business in this state must contain the words "Limited-Liability Limited Partnership" or "Registered Limited-Liability Limited Partnership" or the abbreviations "L.L.L.P." or "LLLP," or such other words or abbreviations as may be required or authorized by the laws of the other jurisdiction, as the last words or letters of the name.*

Sec. 51. NRS 88.315 is hereby amended to read as follows:

88.315 As used in this chapter, unless the context otherwise requires:

1. "Certificate of limited partnership" means the certificate referred to in NRS 88.350, and the certificate as amended or restated.

2. "Contribution" means any cash, property, services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services, which a partner contributes to a limited partnership in his capacity as a partner.

3. "Event of withdrawal of a general partner" means an event that causes a person to cease to be a general partner as provided in NRS 88.450.

4. "Foreign limited partnership" means a partnership formed under the laws of any state other than this state and having as partners one or more general partners and one or more limited partners.

5. *"Foreign registered limited-liability limited partnership" means a foreign limited-liability limited partnership:*

(a) Formed pursuant to an agreement governed by the laws of another state; and

(b) Registered pursuant to and complying with NRS 88.570 to 88.605, inclusive, and section 50 of this act.

6. "General partner" means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and named in the certificate of limited partnership as a general partner.

~~[6.]~~ *7.* "Limited partner" means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

~~[7.]~~ *8.* "Limited partnership" and "domestic limited partnership" mean a partnership formed by two or more persons under the laws of this state and having one or more general partners and one or more limited partners.

~~[8.]~~ *9.* "Partner" means a limited or general partner.

~~[9.]~~ *10.* "Partnership agreement" means any valid agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of its business.

~~[10.]~~ *11.* "Partnership interest" means a partner's share of the profits and losses of a limited partnership and the right to receive distributions of partnership assets.

~~[11.]~~ *12. "Registered limited-liability limited partnership" means a limited partnership:*

(a) Formed pursuant to an agreement governed by this chapter; and

(b) Registered pursuant to and complying with NRS 88.350 to 88.415, inclusive, and sections 43, 44 and 45 of this act.

13. "Registered office" means the office maintained at the street address of the resident agent.

~~[12.]~~ *14.* "Resident agent" means the agent appointed by the limited partnership upon whom process or a notice or demand authorized by law to be served upon the limited partnership may be served.

~~[13.]~~ *15.* "Sign" means to affix a signature to a document.

~~[14.]~~ *16.* "Signature" means a name, word or mark executed or adopted by a person with the present intention to authenticate a document. The term includes, without limitation, an electronic signature as defined in NRS 719.100.

~~[15.]~~ *17.* "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

~~[16.]~~ *18.* "Street address" of a resident agent means the actual physical location in this state at which a resident is available for service of process.

Sec. 52. NRS 88.320 is hereby amended to read as follows:

88.320 1. ~~[The]~~ *Except as otherwise provided in section 44 of this act, the* name proposed for a limited partnership as set forth in its certificate of limited partnership:

(a) Must contain the words "limited partnership," or the abbreviation "LP" or "L.P." *;*

(b) May not contain the name of a limited partner unless:

(1) It is also the name of a general partner or the corporate name of a corporate general partner; or

(2) The business of the limited partnership had been carried on under that name before the admission of that limited partner; and

(c) Must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If the name on the certificate of limited partnership submitted to the Secretary of State is not distinguishable from any name on file or reserved name, the Secretary of State shall return the certificate to the filer, unless the written, acknowledged consent to the use of the same or the requested similar name of the holder of the name on file or reserved name accompanies the certificate of limited partnership.

2. For the purposes of this section, a proposed name is not distinguished from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination of these.

3. The name of a limited partnership whose right to transact business has been forfeited, which has merged and is not the surviving entity or whose

existence has otherwise terminated is available for use by any other artificial person.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 53. NRS 88.331 is hereby amended to read as follows:

88.331 1. If a limited partnership created pursuant to this chapter desires to change its resident agent, the change may be effected by filing with the Secretary of State a certificate of change ~~[,]~~ *of resident agent,* signed by a general partner, which sets forth:

(a) The name of the limited partnership;

(b) The name and street address of its present resident agent; and

(c) The name and street address of the new resident agent.

2. The new resident agent's certificate of acceptance must be a part of or attached to the certificate of change ~~[.~~

~~3. The]~~ *of resident agent.*

3. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

4. A change authorized by this section becomes effective upon the filing of the *proper* certificate of change.

Sec. 53.5. NRS 88.332 is hereby amended to read as follows:

88.332 1. ~~[Any person who has been designated by a limited partnership as its]~~ *A* resident agent ~~[and who thereafter]~~ *who* desires to resign shall ~~[file]~~ *:*

(a) File with the Secretary of State a signed statement *in the manner provided pursuant to subsection 1 of NRS 78.097* that he is unwilling to continue to act as the resident agent of the limited partnership ~~[.]~~ *for the service of process; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097. A resignation is not effective until the signed statement is filed with the Secretary of State.

2. The statement of resignation may contain a statement by the affected limited partnership appointing a successor resident agent for the limited partnership. A certificate of acceptance executed by the new agent, stating the full name, complete street address and, if different from the street

address, mailing address of the new agent, must accompany the statement appointing the new agent.

~~[2.]~~ *3.* Upon the filing of the statement with the Secretary of State *,* the capacity of the person as resident agent terminates. If the statement of resignation does not contain a statement by the limited partnership appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the limited partnership of the filing of the statement and the effect thereof. The notice must be addressed to a general partner of the partnership other than the resident agent.

~~[3.]~~ *4.* If a designated resident agent dies, resigns or removes from the State, the limited partnership, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance, executed by the new resident agent. The certificate must set forth the full name, complete street address and, if different from the street address, mailing address of the newly designated resident agent.

~~[4.]~~ *5.* Each limited partnership which fails to file a certificate of acceptance executed by the new resident agent within 30 days after the death, resignation or removal of its resident agent as provided in subsection ~~[3]~~ *4* shall be deemed in default and is subject to the provisions of NRS 88.400 and 88.405.

Sec. 54. NRS 88.335 is hereby amended to read as follows:

88.335 1. A limited partnership shall keep at the office referred to in paragraph (a) of subsection 1 of NRS 88.330 the following:

(a) A current list of the full name and last known business address of each partner *,* separately identifying the general partners in alphabetical order and the limited partners in alphabetical order;

(b) A copy of the certificate of limited partnership and all certificates of amendment thereto, together with executed copies of any powers of attorney pursuant to which any certificate has been executed;

(c) Copies of the limited partnership's federal, state, and local income tax returns and reports, if any, for the 3 most recent years;

(d) Copies of any then effective written partnership agreements ~~[and]~~ *;*

(e) Copies of any financial statements of the limited partnership for the 3 most recent years; and

~~[(e)]~~ *(f)* Unless contained in a written partnership agreement, a writing setting out:

(1) The amount of cash and a description and statement of the agreed value of the other property or services contributed by each partner and which each partner has agreed to contribute;

(2) The times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made;

(3) Any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution; and

(4) Any events upon the happening of which the limited partnership is to be dissolved and its affairs wound up.

2. *In lieu of keeping at an office in this state the information required in paragraphs (a), (c), (e) and (f) of subsection 1, the limited partnership may keep a statement with the resident agent setting out the name of the custodian of the information required in paragraphs (a), (c), (e) and (f) of subsection 1, and the present and complete post office address, including street and number, if any, where the information required in paragraphs (a), (c), (e) and (f) of subsection 1 is kept.*

3. Records kept pursuant to this section are subject to inspection and copying at the reasonable request, and at the expense, of any partner during ordinary business hours.

Sec. 55. NRS 88.339 is hereby amended to read as follows:

88.339 1. A limited partnership may correct a document filed by the Secretary of State with respect to the limited partnership if the document contains an inaccurate record of a partnership action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the limited partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited partnership;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by a general partner of the limited partnership.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of ~~[$150]~~ *$175* to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 56. NRS 88.350 is hereby amended to read as follows:

88.350 1. In order to form a limited partnership, a certificate of limited partnership must be executed and filed in the Office of the Secretary of State. The certificate must set forth:

(a) The name of the limited partnership;

(b) The address of the office which contains records and the name and address of the resident agent required to be maintained by NRS 88.330;

(c) The name and ~~[the]~~ business address of each ~~[general partner;]~~ *organizer executing the certificate;*

(d) *The name and business address of each initial general partner;*

(e) The latest date upon which the limited partnership is to dissolve; and

~~[(e)]~~ *(f)* Any other matters the ~~[general partners]~~ *organizers* determine to include therein.

2. A certificate of acceptance of appointment of a resident agent, executed by the agent, must be filed with the certificate of limited partnership.

3. A limited partnership is formed at the time of the filing of the certificate of limited partnership and the certificate of acceptance in the Office of the Secretary of State or at any later time specified in the certificate of limited partnership if, in either case, there has been substantial compliance with the requirements of this section.

Sec. 57. NRS 88.395 is hereby amended to read as follows:

88.395 1. A limited partnership shall, on or before the first day of the second month after the filing of its certificate of limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The mailing or street address, either residence or business, of each general partner;

(e) The name and street address of the *lawfully designated* resident agent of the limited partnership; and

(f) The signature of a general partner of the limited partnership certifying that the list is true, complete and accurate.

Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of chapter 364A of NRS.

2. ~~[Upon]~~ *Except as otherwise provided in subsection 3, a limited partnership shall, upon* filing:

(a) The initial list required by subsection 1, ~~[the limited partnership shall]~~ pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual list required by subsection 1, ~~[the limited partnership shall]~~ pay to the Secretary of State a fee of ~~[$85.]~~ *$125.*

3. *A registered limited-liability limited partnership shall, upon filing:*

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $175.

4. If a general partner of a limited partnership resigns and the resignation is not made in conjunction with the filing of an annual or amended list of general partners, the limited partnership shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each limited partnership required to comply with the provisions of this section which has

not become delinquent a notice of the fee due pursuant to the provisions of subsection 2 *or 3, as appropriate,* and a reminder to file the annual list. Failure of any limited partnership to receive a notice or form does not excuse it from the penalty imposed by NRS 88.400.

~~[4.]~~ *6.* If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 *or 3* is not paid, the Secretary of State may return the list for correction or payment.

~~[5.]~~ *7.* An annual list for a limited partnership not in default that is received by the Secretary of State more than 60 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

~~[6.]~~ *8.* A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

Sec. 58. NRS 88.400 is hereby amended to read as follows:

88.400 1. If a limited partnership has filed the list in compliance with NRS 88.395 and has paid the appropriate fee for the filing, the cancelled check received by the limited partnership constitutes a certificate authorizing it to transact its business within this state until the anniversary date of the filing of its certificate of limited partnership in the next succeeding calendar year. If the limited partnership desires a formal certificate upon its payment of the annual fee, its payment must be accompanied by a self-addressed, stamped envelope.

2. Each limited partnership which refuses or neglects to file the list and pay the fee within the time provided is in default.

3. For default there must be added to the amount of the fee a penalty of ~~[$50,]~~ *$75,* and unless the filings are made and the fee and penalty are paid on or before the first day of the first anniversary of the month following the month in which filing was required, the defaulting limited partnership, by reason of its default, forfeits its right to transact any business within this state.

Sec. 59. NRS 88.410 is hereby amended to read as follows:

88.410 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State ~~[may:~~

~~(a) Reinstate]~~ *shall reinstate* any limited partnership which has forfeited its right to transact business ~~[, and~~

~~(b) Restore]~~ *under the provisions of this chapter and restore* to the limited partnership its right to carry on business in this state, and to exercise its privileges and immunities ~~[,~~

~~upon the filing]~~ *if it:*

(a) Files with the Secretary of State ~~[of the]~~ *:*

(1) The list required pursuant to NRS 88.395 ~~[, and upon payment]~~ *; and*

(2) A certificate of acceptance of appointment signed by the resident agent; and

(b) Pays to the Secretary of State ~~[of the]~~ *:*

(1) The filing fee and penalty set forth in NRS 88.395 and 88.400 for each year or portion thereof during which the certificate has been revoked ~~[, and a]~~ *; and*

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. When payment is made and the Secretary of State reinstates the limited partnership to its former rights, he shall:

(a) Immediately issue and deliver to the limited partnership a certificate of reinstatement authorizing it to transact business as if the filing fee had been paid when due; and

(b) Upon demand, issue to the limited partnership one or more certified copies of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation occurred only by reason of failure to pay the fees and penalties.

4. If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

Sec. 60. NRS 88.415 is hereby amended to read as follows:

88.415 The Secretary of State, for services relating to his official duties and the records of his office, shall charge and collect the following fees:

1. For filing a certificate of limited partnership, or for registering a foreign limited partnership, ~~[$175.]~~ *$75.*

2. For filing a certificate of *registration of limited-liability limited partnership, or for registering a foreign registered limited-liability limited partnership, $100.*

3. For filing a certificate of amendment of limited partnership or restated certificate of limited partnership, ~~[$150.~~

~~3.]~~ *$175.*

4. For filing a certificate of a change of location of the records office of a limited partnership or the office of its resident agent, or a designation of a new resident agent, ~~[$30.~~

~~4.]~~ *$60.*

5. For certifying a certificate of limited partnership, an amendment to the certificate, or a certificate as amended where a copy is provided, ~~[$20]~~ *$30* per certification.

~~[5.]~~ *6.* For certifying an authorized printed copy of the limited partnership law, ~~[$20.~~

~~6.]~~ *$30.*

7. For reserving a limited partnership name, or for executing, filing or certifying any other document, ~~[$20.~~

~~7.]~~ *$25.*

8. For copies made at the Office of the Secretary of State, ~~[$1]~~ *$2* per page.

~~[8.]~~ *9.* For filing a certificate of cancellation of a limited partnership, ~~[$60.]~~ *$75.*

Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 61. NRS 88.535 is hereby amended to read as follows:

88.535 1. On application to a court of competent jurisdiction by any judgment creditor of a partner, the court may charge the partnership interest of the partner with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the partnership interest.

2. ~~[The court may appoint a receiver of the share of the distributions due or to become due to the judgment debtor in respect of the partnership. The receiver has only the rights of an assignee. The court may make all other orders, directions, accounts and inquiries that the judgment debtor might have made or which the circumstances of the case may require.~~

~~3. A charging order constitutes a lien on the partnership interest of the judgment debtor. The court may order a foreclosure of the partnership interest subject to the charging order at any time. The purchaser at the foreclosure sale has only the rights of an assignee.~~

~~4. Unless otherwise provided in the articles of organization or operating agreement, at any time before foreclosure, a partnership interest charged may be redeemed:~~

~~(a) By the judgment debtor;~~

~~(b) With property other than property of the limited partnership, by one or more of the other partners; or~~

~~(c) By the limited partnership with the consent of all of the partners whose interests are not so charged.~~

~~5.]~~ This section ~~[provides]~~ *:*

(a) Provides the exclusive remedy by which a judgment creditor of a partner or an assignee of a partner may satisfy a judgment out of the partnership interest of the judgment debtor.

~~[6. No creditor of a partner has any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the limited partnership.~~

~~7. This section does]~~

(b) Does not deprive any partner of the benefit of any exemption laws applicable to his partnership interest.

Sec. 62. NRS 88.585 is hereby amended to read as follows:

88.585 ~~[A]~~ *Except as otherwise provided in section 50 of this act, a* foreign limited partnership may register with the Secretary of State under any name, whether or not it is the name under which it is registered in its state of organization, that includes without abbreviation the words "limited partnership" and that could be registered by a domestic limited partnership.

Sec. 62.5. NRS 88A.530 is hereby amended to read as follows:

88A.530 1. A resident agent who desires to resign shall ~~[file]~~ *:*

(a) File with the Secretary of State a signed statement ~~[for each business trust for which]~~ *in the manner provided pursuant to subsection 1 of*

NRS 78.097 that he is unwilling to continue to act ~~[.]~~ *as the resident agent of the business trust for the service of process; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097. A resignation is not effective until the signed statement is ~~[so filed.]~~ *filed with the Secretary of State.*

2. The statement of resignation may contain a statement of the affected business trust appointing a successor resident agent. A certificate of acceptance executed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.

3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the business trust appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the business trust of the filing of the statement of resignation and its effect. The notice must be addressed to a trustee of the business trust other than the resident agent.

4. If its resident agent dies, resigns or removes from the State, a business trust, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance executed by a new resident agent. The certificate must set forth the full name and complete street address of the new resident agent, and may contain a mailing address, such as a post office box, different from the street address.

5. A business trust that fails to file a certificate of acceptance executed by its new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the provisions of NRS 88A.630 to 88A.660, inclusive.

Sec. 63. NRS 88A.540 is hereby amended to read as follows:

88A.540 1. If a business trust formed pursuant to this chapter desires to change its resident agent, the change may be effected by filing with the Secretary of State a certificate of change ~~[,]~~ *of resident agent,* signed by at least one trustee of the business trust, setting forth:

(a) The name of the business trust;

(b) The name and street address of the present resident agent; and

(c) The name and street address of the new resident agent.

2. A certificate of acceptance executed by the new resident agent must be a part of or attached to the certificate of change ~~[.~~

~~3. The]~~ *of resident agent.*

3. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

4. A change authorized by this section becomes effective upon the filing of the *proper* certificate of change.

Sec. 64. NRS 88A.600 is hereby amended to read as follows:

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the first day of the second month after the filing of its certificate of trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list signed by at least one trustee that contains the name and mailing address of its *lawfully designated* resident agent and at least one trustee. Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the business trust has complied with the provisions of chapter 364A of NRS.

2. Upon filing:

(a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[$85.]~~ *$125.*

3. *If a trustee of a business trust resigns and the resignation is not made in conjunction with the filing of an annual or amended list of trustees, the business trust shall pay to the Secretary of State a fee of $75 to file the resignation of the trustee.*

4. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of a business trust to receive the forms does not excuse it from the penalty imposed by law.

~~[4.]~~ *5.* An annual list for a business trust not in default which is received by the Secretary of State more than 60 days before its due date shall be deemed an amended list for the previous year.

Sec. 65. NRS 88A.630 is hereby amended to read as follows:

88A.630 1. Each business trust required to file the list and pay the fee prescribed in NRS 88A.600 to 88A.660, inclusive, which refuses or neglects to do so within the time provided shall be deemed in default.

2. For default, there must be added to the amount of the fee a penalty of ~~[$50.]~~ *$75.* The fee and penalty must be collected as provided in this chapter.

Sec. 66. NRS 88A.650 is hereby amended to read as follows:

88A.650 1. Except as otherwise provided in subsection 3, the Secretary of State shall reinstate a business trust which has forfeited its right to transact business pursuant to the provisions of this chapter and restore to the business trust its right to carry on business in this state, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State ~~[the]~~ *:*

(1) The list required by NRS 88A.600; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.600 and 88A.630 for each year or portion thereof during which its certificate of trust was revoked; and

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. When the Secretary of State reinstates the business trust, he shall:

(a) Immediately issue and deliver to the business trust a certificate of reinstatement authorizing it to transact business as if the filing fee had been paid when due; and

(b) Upon demand, issue to the business trust one or more certified copies of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the certificate of trust occurred only by reason of the failure to file the list or pay the fees and penalties.

Sec. 67. NRS 88A.900 is hereby amended to read as follows:

88A.900 The Secretary of State shall charge and collect the following fees for:

1. Filing an original certificate of trust, or for registering a foreign business trust, ~~[$175.]~~ *$75.*

2. Filing an amendment or restatement, or a combination thereof, to a certificate of trust, ~~[$150.]~~ *$175.*

3. Filing a certificate of cancellation, ~~[$175.]~~ *$75.*

4. Certifying a copy of a certificate of trust or an amendment or restatement, or a combination thereof, ~~[$20]~~ *$30* per certification.

5. Certifying an authorized printed copy of this chapter, ~~[$20.]~~ *$30.*

6. Reserving a name for a business trust, ~~[$20.]~~ *$25.*

7. Executing a certificate of existence of a business trust which does not list the previous documents relating to it, or a certificate of change in the name of a business trust, ~~[$40.]~~ *$50.*

8. Executing a certificate of existence of a business trust which lists the previous documents relating to it, ~~[$40.~~

~~9. Filing a statement of change of address of the registered office for each business trust, $30.~~

~~10.]~~ *$50.*

9. Filing a statement of change of the ~~[registered agent, $30.~~

~~11.]~~ *resident agent, $60.*

10. Executing, certifying or filing any certificate or document not otherwise provided for in this section, ~~[$40.~~

~~12.]~~ *$50.*

11. Examining and provisionally approving a document before the document is presented for filing, ~~[$100.~~

~~13.]~~ *$125.*

12. Copying a document on file with him, for each page, ~~[$1.]~~ *$2.*

Sec. 68. NRS 88A.930 is hereby amended to read as follows:

88A.930 1. A business trust may correct a document filed by the Secretary of State with respect to the business trust if the document contains an inaccurate record of a trust action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the business trust must:

(a) Prepare a certificate of correction that:

(1) States the name of the business trust;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by a trustee of the business trust.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of ~~[$150]~~ *$175* to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 69. NRS 89.210 is hereby amended to read as follows:

89.210 1. Within 30 days after the organization of a professional association under this chapter, the association shall file with the Secretary of State a copy of the articles of association, duly executed, and shall pay at that time a filing fee of ~~[$175.Any such association formed as a common-law association before July 1, 1969, shall file, within 30 days after July 1, 1969, a certified copy of its articles of association, with any amendments thereto, with the Secretary of State, and shall pay at that time a filing fee of $25.]~~ *$75.* A copy of any amendments to the articles of association ~~[adopted after July 1, 1969,]~~ must also be filed with the Secretary of State within 30 days after the adoption of such amendments. Each copy of amendments so filed must be certified as true and correct and be accompanied by a filing fee of ~~[$150.]~~ *$175.*

2. The name of such a professional association must contain the words "Professional Association," "Professional Organization" or the abbreviations "Prof. Ass'n" or "Prof. Org." The association may render professional services and exercise its authorized powers under a fictitious name if the

association has first registered the name in the manner required under chapter 602 of NRS.

Sec. 70. NRS 89.250 is hereby amended to read as follows:

89.250 1. Except as otherwise provided in subsection 2, a professional association shall, on or before the first day of the second month after the filing of its articles of association with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the Secretary of State showing the names and residence addresses of all members and employees in the association and certifying that all members and employees are licensed to render professional service in this state.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, on or before the first day of the second month after the filing of its articles of association with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the Secretary of State:

(a) Showing the names and residence addresses of all members and employees of the association who are licensed or otherwise authorized by law to render professional service in this state;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this state; and

(c) Certifying that all members who are not licensed to render professional service in this state do not render professional service on behalf of the association except as authorized by law.

3. Each statement filed pursuant to this section must be:

(a) Made on a form prescribed by the Secretary of State and must not contain any fiscal or other information except that expressly called for by this section.

(b) Signed by the chief executive officer of the association.

(c) Accompanied by a declaration under penalty of perjury that the professional association has complied with the provisions of chapter 364A of NRS.

4. Upon filing:

(a) The initial statement required by this section, the association shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual statement required by this section, the association shall pay to the Secretary of State a fee of ~~[$85.]~~ *$125.*

5. As used in this section, "signed" means to have executed or adopted a name, word or mark, including, without limitation, an electronic signature as defined in NRS 719.100, with the present intention to authenticate a document.

Sec. 71. NRS 89.252 is hereby amended to read as follows:

89.252 1. Each professional association that is required to make a filing and pay the fee prescribed in NRS 89.250 but refuses to do so within the time provided is in default.

2. For default, there must be added to the amount of the fee a penalty of ~~[$50.]~~ *$75.* The fee and penalty must be collected as provided in this chapter.

Sec. 72. NRS 89.256 is hereby amended to read as follows:

89.256 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any professional association which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this state and exercise its privileges and immunities if it:

(a) Files with the Secretary of State ~~[the]~~ *:*

(1) The statement and certification required by NRS 89.250; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 89.250 and 89.252 for each year or portion thereof during which the articles of association have been revoked; and

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. When the Secretary of State reinstates the association to its former rights, he shall:

(a) Immediately issue and deliver to the association a certificate of reinstatement authorizing it to transact business, as if the fees had been paid when due; and

(b) Upon demand, issue to the association a certified copy of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the ~~[association's]~~ articles of association occurred only by reason of ~~[its]~~ *the* failure to pay the fees and penalties.

4. If the articles of association of a professional association have been revoked pursuant to the provisions of this chapter and have remained revoked for 10 consecutive years, the articles must not be reinstated.".

Amend the bill as a whole by renumbering sec. 4 as sec. 79.5 and adding new sections designated sections 73 through 79, following sec. 3, to read as follows:

"Sec. 73. NRS 92A.190 is hereby amended to read as follows:

92A.190 1. One or more foreign entities may merge or enter into an exchange of owner's interests with one or more domestic entities if:

(a) In a merger, the merger is permitted by the law of the jurisdiction under whose law each foreign entity is organized and governed and each foreign entity complies with that law in effecting the merger;

(b) In an exchange, the entity whose owner's interests will be acquired is a domestic entity, whether or not an exchange of owner's interests is permitted

by the law of the jurisdiction under whose law the acquiring entity is organized;

(c) The foreign entity complies with NRS 92A.200 to 92A.240, inclusive, if it is the surviving entity in the merger or acquiring entity in the exchange and sets forth in the articles of merger or exchange its address where copies of process may be sent by the Secretary of State; and

(d) Each domestic entity complies with the applicable provisions of NRS 92A.100 to 92A.180, inclusive, and, if it is the surviving entity in the merger or acquiring entity in the exchange, with NRS 92A.200 to 92A.240, inclusive.

2. When the merger or exchange takes effect, the surviving foreign entity in a merger and the acquiring foreign entity in an exchange shall be deemed:

(a) To appoint the Secretary of State as its agent for service of process in a proceeding to enforce any obligation or the rights of dissenting owners of each domestic entity that was a party to the merger or exchange. Service of such process must be made by personally delivering to and leaving with the Secretary of State duplicate copies of the process and the payment of a fee of ~~[$50]~~ *$100* for accepting and transmitting the process. The Secretary of State shall forthwith send by registered or certified mail one of the copies to the surviving or acquiring entity at its specified address, unless the surviving or acquiring entity has designated in writing to the Secretary of State a different address for that purpose, in which case it must be mailed to the last address so designated.

(b) To agree that it will promptly pay to the dissenting owners of each domestic entity that is a party to the merger or exchange the amount, if any, to which they are entitled under or created pursuant to NRS 92A.300 to 92A.500, inclusive.

3. This section does not limit the power of a foreign entity to acquire all or part of the owner's interests of one or more classes or series of a domestic entity through a voluntary exchange or otherwise.

Sec. 74. NRS 92A.195 is hereby amended to read as follows:

92A.195 1. One foreign entity or foreign general partnership may convert into one domestic entity if:

(a) The conversion is permitted by the law of the jurisdiction governing the foreign entity or foreign general partnership and the foreign entity or foreign general partnership complies with that law in effecting the conversion;

(b) The foreign entity or foreign general partnership complies with the applicable provisions of NRS 92A.205 and, if it is the resulting entity in the conversion, with NRS 92A.210 to 92A.240, inclusive; and

(c) The domestic entity complies with the applicable provisions of NRS 92A.105, 92A.120, 92A.135, 92A.140 and 92A.165 and, if it is the resulting entity in the conversion, with NRS 92A.205 to 92A.240, inclusive.

2. When the conversion takes effect, the resulting foreign entity in a conversion shall be deemed to have appointed the Secretary of State as its

agent for service of process in a proceeding to enforce any obligation. Service of process must be made personally by delivering to and leaving with the Secretary of State duplicate copies of the process and the payment of a fee of ~~[$25]~~ *$100* for accepting and transmitting the process. The Secretary of State shall send one of the copies of the process by registered or certified mail to the resulting entity at its specified address, unless the resulting entity has designated in writing to the Secretary of State a different address for that purpose, in which case it must be mailed to the last address so designated.

Sec. 75. NRS 92A.210 is hereby amended to read as follows:

92A.210 1. Except as otherwise provided in this section, the fee for filing articles of merger, articles of conversion, articles of exchange, articles of domestication or articles of termination is ~~[$325.]~~ *$350.* The fee for filing the constituent documents of a domestic resulting entity is the fee for filing the constituent documents determined by the chapter of NRS governing the particular domestic resulting entity.

2. The fee for filing articles of merger of two or more domestic corporations is the difference between the fee computed at the rates specified in NRS 78.760 upon the aggregate authorized stock of the corporation created by the merger and the fee computed upon the aggregate amount of the total authorized stock of the constituent corporation.

3. The fee for filing articles of merger of one or more domestic corporations with one or more foreign corporations is the difference between the fee computed at the rates specified in NRS 78.760 upon the aggregate authorized stock of the corporation created by the merger and the fee computed upon the aggregate amount of the total authorized stock of the constituent corporations which have paid the fees required by NRS 78.760 and 80.050.

4. The fee for filing articles of merger of two or more domestic or foreign corporations must not be less than ~~[$325.]~~ *$350.* The amount paid pursuant to subsection 3 must not exceed ~~[$25,000.]~~ *$35,000.*

Sec. 76. NRS 14.020 is hereby amended to read as follows:

14.020 1. Every corporation, limited-liability company, limited-liability partnership, limited partnership, *limited-liability limited partnership,* business trust and municipal corporation created and existing under the laws of any other state, territory, or foreign government, or the Government of the United States, doing business in this state shall appoint and keep in this state a resident agent who resides or is located in this state, upon whom all legal process and any demand or notice authorized by law to be served upon it may be served in the manner provided in subsection 2. The corporation, limited-liability company, limited-liability partnership, limited partnership, *limited-liability limited partnership,* business trust or municipal corporation shall file with the Secretary of State a certificate of acceptance of appointment signed by its resident agent. The certificate must set forth the full name and address of the resident agent. ~~[The]~~ *A* certificate *of change of resident agent* must be ~~[renewed]~~ *filed* in the manner provided in title 7 of NRS ~~[whenever a change~~

~~is made in the appointment or a vacancy occurs in the agency.]~~ *if the corporation, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation desires to change its resident agent. A certificate of name change of resident agent must be filed in the manner provided in title 7 of NRS if the name of a resident is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment.*

2. All legal process and any demand or notice authorized by law to be served upon the foreign corporation, limited-liability company, limited-liability partnership, limited partnership, *limited-liability limited partnership,* business trust or municipal corporation may be served upon the resident agent personally or by leaving a true copy thereof with a person of suitable age and discretion at the address shown on the current certificate of acceptance filed with the Secretary of State.

3. Subsection 2 provides an additional mode and manner of serving process, demand or notice and does not affect the validity of any other service authorized by law.

Sec. 77. NRS 104.9525 is hereby amended to read as follows:

104.9525 1. Except as otherwise provided in subsection 5, the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection 2 of NRS 104.9502, is:

(a) ~~[Twenty]~~ *Forty* dollars if the record is communicated in writing and consists of one or two pages;

(b) ~~[Forty]~~ *Sixty* dollars if the record is communicated in writing and consists of more than two pages, and ~~[$1]~~ *$2* for each page over 20 pages;

(c) ~~[Ten]~~ *Twenty* dollars if the record is communicated by another medium authorized by filing-office rule; and

(d) ~~[One dollar]~~ *Two dollars* for each additional debtor, trade name or reference to another name under which business is done.

2. The filing officer may charge and collect ~~[$1]~~ *$2* for each page of copy or record of filings produced by him at the request of any person.

3. Except as otherwise provided in subsection 5, the fee for filing and indexing an initial financing statement of the kind described in subsection 3 of NRS 104.9502 is:

(a) ~~[Forty]~~ *Sixty* dollars if the financing statement indicates that it is filed in connection with a public-finance transaction; and

(b) ~~[Twenty]~~ *Forty* dollars if the financing statement indicates that it is filed in connection with a manufactured-home transaction.

4. The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is:

(a) ~~[Twenty]~~ *Forty* dollars if the request is communicated in writing; and

(b) ~~[Fifteen]~~ *Twenty* dollars if the request is communicated by another medium authorized by filing-office rule.

5. This section does not require a fee with respect to a mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 3 of NRS 104.9502. However, the fees for recording and satisfaction which otherwise would be applicable to the mortgage apply.

Sec. 78. NRS 105.070 is hereby amended to read as follows:

105.070 1. The Secretary of State or county recorder shall mark any security instrument and any statement of change, merger or consolidation presented for filing with the day and hour of filing and the file number assigned to it. This mark is, in the absence of other evidence, conclusive proof of the time and fact of presentation for filing.

2. The Secretary of State or county recorder shall retain and file all security instruments and statements of change, merger or consolidation presented for filing.

3. The uniform fee for filing and indexing a security instrument, or a supplement or amendment thereto, and a statement of change, merger or consolidation, and for stamping a copy of those documents furnished by the secured party or the public utility, to show the date and place of filing is ~~[$15]~~ *$40* if the document is in the standard form prescribed by the Secretary of State and otherwise is ~~[$20, plus $1]~~ *$50, plus $2* for each additional debtor or trade name.

Sec. 79. NRS 105.080 is hereby amended to read as follows:

105.080 Upon the request of any person, the Secretary of State shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective security instrument naming a particular public utility, and if there is, giving the date and hour of filing of the instrument and the names and addresses of each secured party. The uniform fee for such a certificate is ~~[$15]~~ *$40* if the request for the certificate is in the standard form prescribed by the Secretary of State and otherwise is ~~[$20.]~~ *$50.* Upon request the Secretary of State or a county recorder shall furnish a copy of any filed security instrument upon payment of the statutory fee for copies.”.

Amend the bill as a whole by renumbering sec. 5 as sec. 82.5 and adding new sections designated sections 80 through 82, following sec. 4, to read as follows:

“Sec. 80. NRS 225.140 is hereby amended to read as follows:

225.140 1. Except as otherwise provided in subsection 2, in addition to other fees authorized by law, the Secretary of State shall charge and collect the following fees:

~~[For a copy of any law, joint resolution, transcript of record, or other paper on file or of record in his office, other than a document required to be filed pursuant to title 24 of NRS, per page $1.00~~
~~For a copy of any document required to be filed pursuant to title 24 of NRS, per page .50]~~

For certifying to ~~[any such]~~ *a* copy *of any law, joint resolution, transcript of record or other paper on file or of record with the Secretary of State, including, but not limited to, a document required to be filed pursuant to title 24 of NRS,* and use of the State Seal, for each impression ~~[10.00]~~ *$20*
For each passport or other document signed by the Governor and attested by the Secretary of State ~~[10.00]~~ *10*
~~[For a negotiable instrument returned unpaid 10.00]~~

2. The Secretary of State:

(a) Shall charge a reasonable fee for searching records and documents kept in his office.

(b) May charge or collect any filing or other fees for services rendered by him to the State of Nevada, any local governmental agency or agency of the Federal Government, or any officer thereof in his official capacity or respecting his office or official duties.

(c) May not charge or collect a filing or other fee for:

(1) Attesting extradition papers or executive warrants for other states.

(2) Any commission or appointment issued or made by the Governor, either for the use of the State Seal or otherwise.

(d) May charge a reasonable fee, not to exceed:

(1) Five hundred dollars, for providing service within 2 hours after the time the service is requested; and

(2) One hundred *twenty-five* dollars, for providing any other special service, including, but not limited to, providing service more than 2 hours but within 24 hours after the time the service is requested, accepting documents filed by facsimile machine and other use of new technology.

(e) Shall charge a fee, not to exceed the actual cost to the Secretary of State, for providing:

(1) A copy of any record kept in his office that is stored on a computer or on microfilm if the copy is provided on a tape, disc or other medium used for the storage of information by a computer or on duplicate film.

(2) Access to his computer database on which records are stored.

3. From each fee collected pursuant to paragraph (d) of subsection 2:

(a) The entire amount or ~~[$50,]~~ *$62.50,* whichever is less, of the fee collected pursuant to subparagraph (1) of that paragraph and half of the fee collected pursuant to subparagraph (2) of that paragraph must be deposited with the State Treasurer for credit to the Account for Special Services of the Secretary of State in the State General Fund. Any amount remaining in the Account at the end of a fiscal year in excess of $2,000,000 must be transferred to the State General Fund. Money in the Account may be transferred to the Secretary of State's operating general fund budget account and must only be used to create and maintain the capability of the Office of the Secretary of State to provide special services, including, but not limited to, providing service:

(1) On the day it is requested or within 24 hours; or

(2) Necessary to increase or maintain the efficiency of the Office.

Any transfer of money from the Account for expenditure by the Secretary of State must be approved by the Interim Finance Committee.

(b) After deducting the amount required pursuant to paragraph (a), the remainder must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 81. Chapter 364A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Department has reasonable cause to believe that any person has failed to comply with the provisions of NRS 364A.130, the Department may issue an order directed to the person to show cause why the Department should not order the person to cease and desist from conducting a business in this state. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Department determines that the person has failed to comply with the provisions of NRS 364A.130 or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Department may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the person at the hearing. If the Department determines in the report that such failure has occurred, the Department may order the violator to:

(a) Cease and desist from conducting a business in this state; and

(b) Pay the costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Department free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have failed to comply with the provisions of NRS 364A.130. The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Department may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) There has been a failure to comply with the provisions of NRS 364A.130;

(b) The proceedings by the Department concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and

(c) The findings of the Department are supported by the weight of the evidence,

the court shall issue an order enforcing the provisions of the order of the Department.

6. An order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Department of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Department's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

Sec. 82. NRS 364A.130 is hereby amended to read as follows:

364A.130 1. Except as otherwise provided in subsection ~~[6,]~~ *8,* a person shall not conduct a business in this state unless he has a business license issued by the Department.

2. The application for a business license must:

(a) Be made upon a form prescribed by the Department;

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business;

(c) Declare the estimated number of employees for the previous calendar quarter;

(d) Be accompanied by a fee of ~~[$25;]~~ *$50;* and

(e) Include any other information that the Department deems necessary.

3. The application must be signed by:

(a) The owner, if the business is owned by a natural person;

(b) A member or partner, if the business is owned by an association or partnership; or

(c) An officer or some other person specifically authorized to sign the application, if the business is owned by a corporation.

4. If the application is signed pursuant to paragraph (c) of subsection 3, written evidence of the signer's authority must be attached to the application.

5. *A person who has been issued a business license by the Department shall submit a fee of $50 to the Department on or before the last day of the month in which the anniversary date of issuance of the business license occurs in each year, unless the person submits a written statement to the Department, at least 10 days before the anniversary date, indicating that the person will not be conducting business in this state after the anniversary date. A person who fails to submit the annual fee required pursuant to this*

subsection in a timely manner shall pay a penalty in the amount of $75 in addition to the annual fee.

6. The business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

7. For the purposes of this chapter, a person shall be deemed to conduct a business in this state if a business for which the person is responsible:

(a) Is incorporated pursuant to chapter 78 or 78A of NRS;

(b) Has an office or other base of operations in this state; or

(c) Pays wages or other remuneration to a natural person who performs in this state any of the duties for which he is paid.

~~[6.]~~ *8.* A person who takes part in a trade show or convention held in this state for a purpose related to the conduct of a business is not required to obtain a business license specifically for that event.".

Amend sec. 5, page 3, line 32, by deleting "*must*" and inserting: "*must, if the stock of the nonrestricted licensee is publicly traded,*".

Amend the bill as a whole by renumbering sections 6 and 7 as sections 84.3 and 84.7 and adding new sections designated sections 83 and 84, following sec. 5, to read as follows:

"Sec. 83. NRS 364A.160 is hereby repealed.

Sec. 84. The Secretary of State is hereby authorized, without obtaining further approval, to hire such additional personnel as are necessary to carry out the provisions of this act.".

Amend sec. 6, page 3, line 40, by deleting "3" and inserting "72.7".

Amend sec. 7, page 4, line 1, by deleting "4" and inserting "79.5".

Amend the bill as a whole by adding a new section designated sec. 85 and the text of the repealed section, following sec. 7, to read as follows:

"Sec. 85. 1. This section and sections 1, 2, 5 to 15, inclusive, 17 to 19.5, inclusive, 21 to 24, inclusive, 25, 27 to 35, inclusive, 37 to 52, inclusive, 54 to 62, inclusive, 64 to 75, inclusive, and 77 to 84.7, inclusive, of this act become effective on October 1, 2003.

2. Sections 3, 16, 20, 24.5, 26.5, 36.5, 53.5 and 62.5 of this act become effective:

(a) Except as otherwise provided in paragraph (b) or paragraph (b) of subsection 3, on October 1, 2003.

(b) On January 1, 2004, for the purpose of requiring a resident agent who desires to resign to file a statement of resignation for each artificial person formed, organized, registered or qualified pursuant to the provisions of title 7 of NRS for which the resident agent is unwilling to continue to act as the resident agent for the service of process.

3. Sections 4, 16, 26, 36, 53, 63 and 76 of this act become effective:

(a) Except as otherwise provided in paragraph (b) or paragraph (b) of subsection 2, on October 1, 2003.

(b) On January 1, 2004, for the purpose of requiring a resident agent to file a certificate of name change of resident agent if the name of the resident

agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment.

TEXT OF REPEALED SECTION

364A.160 Exemption for natural person with no employees during calendar quarter. A natural person who does not employ any employees during a calendar quarter is exempt from the provisions of this chapter for that calendar quarter.”.

Amend the title of the bill to read as follows:

“AN ACT relating to business; requiring a defaulting business entity that wants to reinstate its right to transact business in this state to file with the Secretary of State a certificate of acceptance of appointment signed by its resident agent; changing the exclusive remedy by which a judgment creditor of a member of a limited-liability company or a limited partnership may satisfy a judgment; allowing a limited partnership to register as a limited-liability limited partnership; increasing certain fees and establishing new fees; requiring a resident agent to file with the Secretary of State a certificate of name change of resident agent under certain circumstances; providing a penalty for a person who willfully offers into evidence as genuine certain fraudulent records or who willfully destroys or alters certain records under certain circumstances; increasing the penalty for certain securities violations; extending the civil and criminal statutes of limitations for certain securities violations; providing for the issuance of an order to cease and desist for failure to comply with certain provisions pertaining to business licenses; excluding the performance of certain internal audits pertaining to gaming licensees by certain independent accountants; repealing the exemption from business tax provisions for a natural person who does not employ employees during a calendar quarter; authorizing the Secretary of State to hire additional personnel; making various other changes to provisions pertaining to business entities; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions pertaining to business. (BDR 7-383)”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment No. 661 to Assembly Bill No. 163.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 536.

The following Senate amendment was read:

Amendment No. 672.

Amend the bill as a whole by deleting sections 1 through 129 and adding new sections designated sections 1 through 152 and the text of repealed section, following the enacting clause, to read as follows:

"Section 1. The Legislature hereby declares that:

1. Many of the fees increased pursuant to the amendatory provisions of this act have not been increased for a substantial length of time, and increasing these fees is necessary and appropriate at this time.

2. It is the intent of the Legislature that the fees increased pursuant to the amendatory provisions of this act must not be increased again for a period of at least 10 years following the enactment of this act.

Sec. 1.5. Chapter 78 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 2. NRS 78.027 is hereby amended to read as follows:

78.027 The Secretary of State may microfilm *or image* any document which is filed in his office by a corporation pursuant to this chapter and may return the original document to the corporation.

Sec. 3. NRS 78.0295 is hereby amended to read as follows:

78.0295 1. A corporation may correct a document filed by the Secretary of State with respect to the corporation if the document contains an inaccurate record of a corporate action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the corporation ~~[shall:]~~ *must:*

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by an officer of the corporation ~~[.]~~ *or, if no stock has been issued by the corporation, by the incorporator or a director of the corporation.*

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of ~~[$150]~~ *$175* to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 4. NRS 78.035 is hereby amended to read as follows:

78.035 The articles of incorporation must set forth:

1. The name of the corporation. A name appearing to be that of a natural person and containing a given name or initials must not be used as a corporate name except with an additional word or words such as "Incorporated," "Limited," "Inc.," "Ltd.," "Company," "Co.," "Corporation," "Corp.," or other word which identifies it as not being a natural person.

2. The name of the person designated as the corporation's resident agent, the street address of the resident agent where process may be served upon the corporation, and the mailing address of the resident agent if different from the street address.

3. The number of shares the corporation is authorized to issue and, if more than one class or series of stock is authorized, the classes, the series and the number of shares of each class or series which the corporation is authorized to issue, unless the articles authorize the board of directors to fix and determine in a resolution the classes, series and numbers of each class or series as provided in NRS 78.195 and 78.196.

4. The ~~[number,]~~ names and ~~[post office box or street]~~ addresses, either residence or business, of the first board of directors or trustees, together with any desired provisions relative to the right to change the number of directors as provided in NRS 78.115.

5. The name and ~~[post office box or street]~~ address, either residence or business *,* of each of the incorporators executing the articles of incorporation.

Sec. 5. NRS 78.045 is hereby amended to read as follows:

78.045 1. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this state which provides that the name of the corporation contains the word "bank" or "trust," unless:

(a) It appears from the articles or the certificate of amendment that the corporation proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank *,* ~~[or]~~ savings and loan association ~~[,]~~ *or thrift company;* and

(b) The articles or certificate of amendment is first approved by the Commissioner of Financial Institutions.

2. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the provisions of this chapter if it appears from the articles or the certificate of amendment that the business to be carried on by the corporation is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions, unless the

articles or certificate of amendment is approved by the Commissioner who will supervise the business of the corporation.

3. Except as otherwise provided in subsection ~~[5,]~~ *6,* the Secretary of State shall not accept for filing any articles of incorporation or any certificate ~~[or]~~ *of* amendment of articles of incorporation of any corporation formed pursuant to the laws of this state if the name of the corporation contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the corporation are licensed to practice engineering pursuant to the laws of this state; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the corporation is exempt from the prohibitions of NRS 625.520.

4. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this state which provides that the name of the corporation contains the words "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the corporation:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the *Nevada* State Board of Accountancy under penalty of perjury a written statement that the corporation is not engaged in the practice of accounting and is not offering to practice accounting in this state.

5. *The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to the laws of this state which provides that the name of the corporation contains the words "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 of NRS unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:*

(a) Registered with the Ombudsman for Owners in Common-Interest Communities pursuant to NRS 116.31158; and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155.

6. The provisions of subsection 3 do not apply to any corporation, whose securities are publicly traded and regulated by the Securities Exchange Act of 1934, which does not engage in the practice of professional engineering.

~~[6.]~~ *7.* The Commissioner of Financial Institutions and the Commissioner of Insurance may approve or disapprove the articles or amendments referred to them pursuant to the provisions of this section.

Sec. 5.3. NRS 78.097 is hereby amended to read as follows:

78.097 1. A resident agent who desires to resign shall file with the Secretary of State a signed statement *, on a form provided by the Secretary of State,* for each ~~[corporation]~~ *artificial person formed, organized, registered or qualified pursuant to the provisions of this title* that he is unwilling to continue to act as the *resident* agent of the ~~[corporation]~~ *artificial person* for the service of process. *The fee for filing a statement of resignation is $100 for the first artificial person that the resident agent is unwilling to continue to act as the agent of and $1 for each additional artificial person listed on the statement of resignation.* A resignation is not effective until the signed statement is filed with the Secretary of State.

2. The statement of resignation may contain a statement of the affected corporation appointing a successor resident agent for that corporation. A certificate of acceptance executed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.

3. Upon the filing of the statement of resignation with the Secretary of State the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the corporation appointing a successor resident agent, the resigning resident agent shall immediately give written notice, by mail, to the corporation of the filing of the statement and its effect. The notice must be addressed to any officer of the corporation other than the resident agent.

4. If a resident agent dies, resigns or removes from the State, the corporation, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance executed by the new resident agent. The certificate must set forth the full name and complete street address of the new resident agent for the service of process, and may have a separate mailing address, such as *a* post office box, which may be different from the street address.

5. A corporation that fails to file a certificate of acceptance executed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the provisions of NRS 78.170 and 78.175.

Sec. 5.7. NRS 78.110 is hereby amended to read as follows:

78.110 1. If a corporation created pursuant to this chapter desires to change its resident agent, the change may be effected by filing with the Secretary of State a certificate of change *of resident agent* signed by an officer of the corporation which sets forth:

(a) The name of the corporation;

(b) The name and street address of its present resident agent; and

(c) The name and street address of the new resident agent.

2. The new resident agent's certificate of acceptance must be a part of or attached to the certificate of change ~~[.]~~ *of resident agent.*

3. *If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:*

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

4. A change authorized by this section becomes effective upon the filing of the *proper* certificate of change.

Sec. 6. NRS 78.150 is hereby amended to read as follows:

78.150 1. A corporation organized pursuant to the laws of this state shall, on or before the ~~[first]~~ *last* day of the ~~[second]~~ *first* month after the filing of its articles of incorporation with the Secretary of State, file with the Secretary of State a list, on a form furnished by him, containing:

(a) The name of the corporation;

(b) The file number of the corporation, if known;

(c) The names and titles of the president, secretary ~~[,]~~ *and* treasurer *, or the equivalent thereof,* and of all the directors of the corporation;

(d) The ~~[mailing or street]~~ address, either residence or business, of each officer and director listed, following the name of the officer or director;

(e) The name and ~~[street]~~ address of the *lawfully designated* resident agent of the corporation; and

(f) The signature of an officer of the corporation certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year, file with the Secretary of State, on a form furnished by him, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by a declaration under penalty of perjury that the corporation ~~[has]~~ *:*

(a) Has complied with the provisions of chapter 364A of NRS ~~[.]~~ *; and*

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

4. Upon filing the list required by:

(a) Subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Subsection 2, the corporation shall pay to the Secretary of State ~~[a fee of $85.]~~ *, if the amount represented by the total number of shares provided for in the articles is:*

$75,000 or less $125
Over $75,000 and not over $200,000 175
Over $200,000 and not over $500,000 275
Over $500,000 and not over $1,000,000 375
Over $1,000,000:
For the first $1,000,000 375
For each additional $500,000 or fraction thereof 275
The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,100.

5. *If a director or officer of a corporation resigns and the resignation is not made in conjunction with the filing of an annual or amended list of directors and officers, the corporation shall pay to the Secretary of State a fee of $75 to file the resignation of the director or officer.*

6. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 2, cause to be mailed to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice or form does not excuse it from the penalty imposed by law.

~~[6.]~~ *7.* If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 4 ~~[or 8]~~ is not paid, the Secretary of State may return the list for correction or payment.

~~[7.]~~ *8.* An annual list for a corporation not in default which is received by the Secretary of State more than ~~[60]~~ *90* days before its due date shall be deemed an amended list for the previous year and must be accompanied by ~~[a fee of $85]~~ *the appropriate fee as provided in subsection 4* for filing. A payment submitted pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

~~[8. If the corporation is an association as defined in NRS 116.110315, the Secretary of State shall not accept the filing required by this section unless it is accompanied by evidence of the payment of the fee required to be paid pursuant to NRS 116.31155 that is provided to the association pursuant to subsection 4 of that section.]~~

Sec. 7. NRS 78.155 is hereby amended to read as follows:

78.155 If a corporation has filed the initial or annual list in compliance with NRS 78.150 and has paid the appropriate fee for the filing, the cancelled check *or other proof of payment* received by the corporation constitutes a certificate authorizing it to transact its business within this state until the last day of the month in which the anniversary of its incorporation occurs in the next succeeding calendar year. ~~[If the corporation desires a formal certificate upon its payment of the initial or annual fee, its payment must be accompanied by a self-addressed, stamped envelope.]~~

Sec. 8. NRS 78.165 is hereby amended to read as follows:

78.165 1. ~~[Every]~~ *Each* list required to be filed under the provisions of NRS 78.150 to 78.185, inclusive, must, after the name of each officer and director listed thereon, set forth the ~~[post office box or street]~~ address, either residence or business, of each officer and director.

2. If the addresses are not stated for each person on any list offered for filing, the Secretary of State may refuse to file the list, and the corporation for which the list has been offered for filing is subject to all the provisions of NRS 78.150 to 78.185, inclusive, relating to failure to file the list within or at the times therein specified, unless a list is subsequently submitted for filing which conforms to the provisions of NRS 78.150 to 78.185, inclusive.

Sec. 9. NRS 78.170 is hereby amended to read as follows:

78.170 1. Each corporation required to make a filing and pay the fee prescribed in NRS 78.150 to 78.185, inclusive, which refuses or neglects to do so within the time provided shall be deemed in default.

2. *Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.110315 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 and paid the fees pursuant to NRS 116.31155, the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.150 to 78.185, inclusive.*

3. For default there must be added to the amount of the fee a penalty of ~~[$50.]~~ *$75.* The fee and penalty must be collected as provided in this chapter.

Sec. 10. NRS 78.175 is hereby amended to read as follows:

78.175 1. The Secretary of State shall notify, by ~~[letter addressed]~~ *providing written notice* to its resident agent, each corporation deemed in default pursuant to NRS 78.170. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

2. On the first day of the first anniversary of the month following the month in which the filing was required, the charter of the corporation is revoked and its right to transact business is forfeited.

3. The Secretary of State shall compile a complete list containing the names of all corporations whose right to ~~[do]~~ *transact* business has been forfeited.

4. The Secretary of State shall forthwith notify, by ~~[letter addressed]~~ *providing written notice* to its resident agent, each ~~[such]~~ corporation *specified in subsection 3* of the forfeiture of its charter. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

~~[4.]~~ *(b) At the request of the resident agent, may be provided electronically.*

5. If the charter of a corporation is revoked and the right to transact business is forfeited as provided in subsection 2, all of the property and assets of the defaulting domestic corporation must be held in trust by the directors of the corporation as for insolvent corporations, and the same proceedings may be had with respect thereto as are applicable to insolvent corporations. Any person interested may institute proceedings at any time after a forfeiture has been declared, but if the Secretary of State reinstates the charter *,* the proceedings must at once be dismissed and all property restored to the officers of the corporation.

~~[5.]~~ *6.* Where the assets are distributed *,* they must be applied in the following manner:

(a) To the payment of the filing fee, penalties *incurred* and costs due ~~[to]~~ the State;

(b) To the payment of the creditors of the corporation; and

(c) Any balance remaining *,* to distribution among the stockholders.

Sec. 11. NRS 78.180 is hereby amended to read as follows:

78.180 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited *or which forfeits* its right to transact business pursuant to the provisions of this chapter and *shall* restore to the corporation its right to carry on business in this state, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State ~~[the]~~ *:*

(1) The list required by NRS 78.150; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 78.150 and 78.170 for each year or portion thereof during which it failed to file each required annual list in a timely manner; and

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall ~~[:~~

~~(a) Immediately issue and deliver to the corporation a certificate of reinstatement authorizing it to transact business as if the filing fee or fees had been paid when due; and~~

~~(b) Upon demand,~~ issue to the corporation ~~[one or more certified copies of the]~~ *a* certificate of reinstatement ~~[.]~~ *if the corporation:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 11.3. NRS 78.185 is hereby amended to read as follows:

78.185 1. Except as otherwise provided in subsection 2, if a corporation applies to reinstate or revive its charter but its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the corporation shall in its application for reinstatement submit in writing to the Secretary of State some other name under which it desires its corporate existence to be reinstated or revived. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall ~~[issue to the applying corporation a certificate of reinstatement or revival]~~ *reinstate the corporation* under that new name.

2. If the applying corporation submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying corporation or a new name it has submitted, it may be reinstated or revived under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination of these.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 11.7. NRS 78.390 is hereby amended to read as follows:

78.390 1. Every amendment adopted pursuant to the provisions of NRS 78.385 must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed and declaring its advisability, and either call a special meeting of the stockholders entitled to vote on the amendment or direct that the proposed amendment be considered at the next annual meeting of the stockholders entitled to vote on the amendment.

(b) At the meeting, of which notice must be given to each stockholder entitled to vote pursuant to the provisions of this section, a vote of the stockholders entitled to vote in person or by proxy must be taken for and against the proposed amendment. If it appears upon the canvassing of the votes that stockholders holding shares in the corporation entitling them to exercise at least a majority of the voting power, or such greater proportion of the voting power as may be required in the case of a vote by classes or series, as provided in subsections 2 and 4, or as may be required by the provisions of the articles of incorporation, have voted in favor of the amendment, an officer of the corporation shall sign a certificate setting forth the amendment,

or setting forth the articles of incorporation as amended, and the vote by which the amendment was adopted.

(c) The certificate so signed must be filed with the Secretary of State.

2. If any proposed amendment would adversely alter or change any preference or any relative or other right given to any class or series of outstanding shares, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof.

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series is adversely affected by an amendment in a different manner than other series of the same class.

5. The resolution of the stockholders approving the proposed amendment may provide that at any time before the effective date of the amendment, notwithstanding approval of the proposed amendment by the stockholders, the board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders.

6. A certificate filed pursuant to subsection 1 becomes effective upon filing with the Secretary of State or upon a later date specified in the certificate, which must not be later than 90 days after the certificate is filed.

7. If a certificate filed pursuant to subsection 1 specifies an effective date and if the resolution of the stockholders approving the proposed amendment provides that the board of directors may abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the effectiveness of the certificate by resolution and by filing a certificate of termination with the Secretary of State that:

(a) Is filed before the effective date specified in the certificate filed pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that, pursuant to the resolution of the stockholders, the board of directors is authorized to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by an officer of the corporation; and

(f) Is accompanied by a filing fee of ~~[$150.]~~ *$175*.

Sec. 12. NRS 78.403 is hereby amended to read as follows:

78.403 1. A corporation may restate, or amend and restate, in a single certificate the entire text of its articles of incorporation as amended by filing with the Secretary of State a certificate ~~[signed by an officer of the corporation which must set forth the articles as amended to the date of the certificate.]~~ *in the manner provided in this section.* If the certificate alters or

amends the articles in any manner, it must comply with the provisions of NRS 78.380, 78.385 and 78.390, as applicable . ~~[, and must be accompanied by:~~

~~(a) A resolution; or~~

~~(b) A form prescribed by the Secretary of State, setting forth which provisions of the articles of incorporation on file with the Secretary of State are being altered or amended.]~~

2. If the certificate does not alter or amend the articles, it must be signed by an officer of the corporation and state that he has been authorized to execute the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles of incorporation as amended to the date of the certificate.

3. The following may be omitted from the restated articles:

(a) The names, addresses, signatures and acknowledgments of the incorporators;

(b) The names and addresses of the members of the past and present boards of directors; and

(c) The name and address of the resident agent.

4. Whenever a corporation is required to file a certified copy of its articles, in lieu thereof it may file a certified copy of the most recent certificate restating its articles as amended, subject to the provisions of subsection 2, together with certified copies of all certificates of amendment filed subsequent to the restated articles and certified copies of all certificates supplementary to the original articles.

Sec. 13. NRS 78.580 is hereby amended to read as follows:

78.580 1. If the board of directors of any corporation organized under this chapter, after the issuance of stock or the beginning of business, decides that the corporation should be dissolved, the board may adopt a resolution to that effect. If the corporation has issued no stock, only the directors need to approve the dissolution. If the corporation has issued stock, the directors must recommend the dissolution to the stockholders. The corporation shall notify each stockholder entitled to vote on dissolution *,* and the stockholders entitled to vote must approve the dissolution.

2. If the dissolution is approved by the directors or both the directors and stockholders, as respectively provided in subsection 1, the corporation shall file *with the Office of the Secretary of State* a certificate *signed by an officer of the corporation* setting forth that the dissolution has been approved by the directors, or by the directors and the stockholders, and a list of the names and ~~[post office box or street]~~ addresses, either residence or business, of the corporation's president, secretary and treasurer *, or the equivalent thereof,* and all of its directors . ~~[, certified by the president, or a vice president, and the secretary, or an assistant secretary, in the Office of the Secretary of State.]~~

Sec. 14. NRS 78.622 is hereby amended to read as follows:

78.622 1. If a corporation is under reorganization in a federal court pursuant to title 11 of U.S.C., it may take any action necessary to carry out any proceeding and do any act directed by the court relating to reorganization, without further action by its directors or stockholders. This authority may be exercised by:

(a) The trustee in bankruptcy appointed by the court;

(b) Officers of the corporation designated by the court; or

(c) Any other representative appointed by the court, with the same effect as if exercised by the directors and stockholders of the corporation.

2. By filing a confirmed plan *or order* of reorganization, certified by the bankruptcy court, with the Secretary of State, the corporation may:

(a) Alter, amend or repeal its bylaws;

(b) Constitute or reconstitute and classify or reclassify its board of directors;

(c) Name, constitute or appoint directors and officers in place of or in addition to all or some of the directors or officers then in office;

(d) Amend its articles of incorporation;

(e) Make any change in its authorized and issued stock;

(f) Make any other amendment, change, alteration or provision authorized by this chapter; and

(g) Be dissolved, transfer all or part of its assets *,* or merge or consolidate *,* or make any other change authorized by this chapter.

3. In any action taken pursuant to subsections 1 and 2, a stockholder has no right to demand payment for his stock.

4. Any amendment of the articles of incorporation made pursuant to subsection 2 must be signed under penalty of perjury by the person authorized by the court and filed with the Secretary of State. If the amendment is filed in accordance with the order of reorganization, it becomes effective when it is filed unless otherwise ordered by the court.

5. Any filing with the Secretary of State pursuant to this section must be accompanied by the appropriate fee, if any.

Sec. 15. NRS 78.730 is hereby amended to read as follows:

78.730 1. Any corporation which did exist or is existing under the laws of this state may, upon complying with the provisions of NRS 78.180, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name of the person designated as the resident agent of the corporation, his street address for the service of process, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer *, or the equivalent thereof,* and all of its directors and their ~~[post office box or street]~~ addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary. The certificate must be approved by a majority of the voting power of the shares.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the stockholders of the corporation. The execution and filing of the certificate must be approved by the written consent of stockholders of the corporation holding at least a majority of the voting power and must contain a recital that this consent was secured. If no stock has been issued, the certificate must contain a statement of that fact, and a majority of the directors then in office may designate the person to sign the certificate. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation therein named.

Sec. 15.5. NRS 78.760 is hereby amended to read as follows:

78.760 1. The fee for filing articles of incorporation is prescribed in the following schedule:

If the amount represented by the total number of shares provided for in the articles is:

$75,000 or less	~~[$175]~~ *$75*
Over $75,000 and not over $200,000	~~[225]~~ *175*
Over $200,000 and not over $500,000	~~[325]~~ *275*
Over $500,000 and not over $1,000,000	~~[425]~~ *375*
Over $1,000,000:	
For the first $1,000,000	~~[425]~~ *375*
For each additional $500,000 or fraction thereof	~~[225]~~ *275*

2. The maximum fee which may be charged pursuant to this section is ~~[$25,000]~~ *$35,000* for:

(a) The original filing of articles of incorporation.

(b) A subsequent filing of any instrument which authorizes an increase in stock.

3. For the purposes of computing the filing fees according to the schedule in subsection 1, the amount represented by the total number of shares provided for in the articles of incorporation is:

(a) The aggregate par value of the shares, if only shares with a par value are therein provided for;

(b) The product of the number of shares multiplied by $1, regardless of any lesser amount prescribed as the value or consideration for which shares may be issued and disposed of, if only shares without par value are therein provided for; or

(c) The aggregate par value of the shares with a par value plus the product of the number of shares without par value multiplied by $1, regardless of any lesser amount prescribed as the value or consideration for which the shares without par value may be issued and disposed of, if shares with and without par value are therein provided for.

For the purposes of this subsection, shares with no prescribed par value shall be deemed shares without par value.

4. The Secretary of State shall calculate filing fees pursuant to this section with respect to shares with a par value of less than one-tenth of a cent as if the par value were one-tenth of a cent.

Sec. 16. NRS 78.765 is hereby amended to read as follows:

78.765 1. The fee for filing a certificate changing the number of authorized shares pursuant to NRS 78.209 or a certificate of amendment to articles of incorporation that increases the corporation's authorized stock or a certificate of correction that increases the corporation's authorized stock is the difference between the fee computed at the rates specified in NRS 78.760 upon the total authorized stock of the corporation, including the proposed increase, and the fee computed at the rates specified in NRS 78.760 upon the total authorized capital, excluding the proposed increase. In no case may the amount be less than ~~[$150.]~~ *$175.*

2. The fee for filing a certificate of amendment to articles of incorporation that does not increase the corporation's authorized stock or a certificate of correction that does not increase the corporation's authorized stock is ~~[$150.]~~ *$175.*

3. The fee for filing a certificate or an amended certificate pursuant to NRS 78.1955 is ~~[$150.]~~ *$175.*

4. The fee for filing a certificate of termination pursuant to NRS ~~[78.1955, 78.209 or]~~ *78.209,* 78.380 *or 78.390 or a certificate of withdrawal pursuant to NRS 78.1955* is ~~[$150.]~~ *$175.*

Sec. 16.2. NRS 78.767 is hereby amended to read as follows:

78.767 1. The fee for filing a certificate of restated articles of incorporation that does not increase the corporation's authorized stock is ~~[$150.]~~ *$175.*

2. The fee for filing a certificate of restated articles of incorporation that increases the corporation's authorized stock is the difference between the fee computed pursuant to NRS 78.760 based upon the total authorized stock of the corporation, including the proposed increase, and the fee computed pursuant to NRS 78.760 based upon the total authorized stock of the corporation, excluding the proposed increase. In no case may the amount be less than ~~[$150.]~~ *$175.*

Sec. 16.4. NRS 78.780 is hereby amended to read as follows:

78.780 1. The fee for filing a certificate of extension of corporate existence of any corporation is an amount equal to one-fourth of the fee computed at the rates specified in NRS 78.760 for filing articles of incorporation.

2. The fee for filing a certificate of dissolution whether it occurs before or after payment of capital and beginning of business is ~~[$60.]~~ *$75.*

Sec. 16.6. NRS 78.785 is hereby amended to read as follows:

78.785 1. The fee for filing a certificate of change of location of a corporation's registered office and resident agent, or a new designation of resident agent, is ~~[$30.]~~ *$60.*

2. The fee for certifying articles of incorporation where a copy is provided is ~~[$20.]~~ *$30.*

3. The fee for certifying a copy of an amendment to articles of incorporation, or to a copy of the articles as amended, where a copy is furnished, is ~~[$20.]~~ *$30.*

4. The fee for certifying an authorized printed copy of the general corporation law as compiled by the Secretary of State is ~~[$20.]~~ *$30.*

5. The fee for reserving a corporate name is ~~[$20.]~~ *$25.*

6. The fee for executing a certificate of corporate existence which does not list the previous documents relating to the corporation, or a certificate of change in a corporate name, is ~~[$40.]~~ *$50.*

7. The fee for executing a certificate of corporate existence which lists the previous documents relating to the corporation is ~~[$40.]~~ *$50.*

8. The fee for executing, certifying or filing any certificate or document not provided for in NRS 78.760 to 78.785, inclusive, is ~~[$40.]~~ *$50.*

9. The fee for copies made at the Office of the Secretary of State is ~~[$1]~~ *$2* per page.

10. The fees for filing articles of incorporation, articles of merger, or certificates of amendment increasing the basic surplus of a mutual or reciprocal insurer must be computed pursuant to NRS 78.760, 78.765 and 92A.210, on the basis of the amount of basic surplus of the insurer.

11. The fee for examining and provisionally approving any document at any time before the document is presented for filing is ~~[$100.]~~ *$125.*

Sec. 16.8. NRS 78.795 is hereby amended to read as follows:

78.795 1. Any natural person or corporation residing or located in this state may ~~[, on or after January 1 of any year but before January 31 of that year,]~~ register *for that calendar year* his willingness to serve as the resident agent of a domestic or foreign corporation, limited-liability company or limited partnership with the Secretary of State. The registration must *state the full, legal name of the person or corporation willing to serve as the resident agent and* be accompanied by a fee of ~~[$250]~~ *$500* per office location of the resident agent.

2. The Secretary of State shall maintain a list of those persons who are registered pursuant to subsection 1 and make the list available to persons seeking to do business in this state.

3. The Secretary of State may amend any information provided in the list if a person who is included in the list:

(a) Requests the amendment; and

(b) Pays a fee of $50.

4. The Secretary of State may adopt regulations prescribing the content, maintenance and presentation of the list.

Sec. 17. Chapter 78A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 18. Chapter 80 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 and 20 of this act.

Sec. 19. *1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.*

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 20. *1. Except as otherwise provided in subsection 2, if a foreign corporation applies to reinstate its charter but its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign corporation must in its application for reinstatement submit in writing to the Secretary of State some other name under which it desires its existence to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate the foreign corporation under that new name.*

2. If the applying foreign corporation submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying foreign corporation or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 21. NRS 80.005 is hereby amended to read as follows:

80.005 The Secretary of State may microfilm *or image* any document which is filed in his office by a foreign corporation pursuant to this chapter and may return the original document to the corporation.

Sec. 22. NRS 80.007 is hereby amended to read as follows:

80.007 1. A foreign corporation may correct a document filed by the Secretary of State if the document contains an incorrect statement or was defectively executed, attested, sealed or verified.

2. To correct a document, the corporation ~~[shall:]~~ *must:*

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the ~~[incorrect statement and the reason it is incorrect or the manner in which the execution was defective;~~

~~(4) Corrects the incorrect statement or defective execution;]~~ *inaccuracy or defect;*

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by an officer of the corporation ~~[;~~ ~~and]~~ *or, if no stock has been issued by the corporation, by the incorporator or a director of the corporation.*

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 23. NRS 80.010 is hereby amended to read as follows:

80.010 1. Before commencing or doing any business in this state, each corporation organized pursuant to the laws of another state, territory, the District of Columbia, a possession of the United States or a foreign country, that enters this state to do business must:

(a) File in the Office of the Secretary of State of this state:

(1) A certificate of corporate existence issued not more than 90 days before the date of filing by an authorized officer of the jurisdiction of its incorporation setting forth the filing of documents and instruments related to the articles of incorporation, or the governmental acts or other instrument or authority by which the corporation was created. If the certificate is in a language other than English, a translation, together with the oath of the translator and his attestation of its accuracy, must be attached to the certificate.

(2) A certificate of acceptance of appointment executed by its resident agent, who must be a resident or located in this state. The certificate must set forth the name of the resident agent, his street address for the service of process, and his mailing address if different from his street address. The street address of the resident agent is the registered office of the corporation in this state.

(3) A statement executed by an officer of the corporation setting forth:

(I) A general description of the purposes of the corporation; and

(II) The authorized stock of the corporation and the number and par value of shares having par value and the number of shares having no par value.

(b) Lodge in the Office of the Secretary of State a copy of the document most recently filed by the corporation in the jurisdiction of its incorporation setting forth the authorized stock of the corporation, the number of par-value shares and their par value, and the number of no-par-value shares.

2. The Secretary of State shall not file the documents required by subsection 1 for any foreign corporation whose name is not distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title, unless the written, acknowledged consent of the holder of the name on file or reserved name to use the same name or the requested similar name accompanies the articles of incorporation.

3. *For the purposes of this section and NRS 80.012, a proposed name is not distinguishable from a name on file or reserved solely because one or the other names contains distinctive lettering, a distinctive mark, a trademark or trade name, or any combination thereof.*

4. The name of a foreign corporation whose charter has been revoked, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State shall not accept for filing the documents required by subsection 1 or NRS 80.110 for any foreign corporation if the name of the corporation contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless the State Board of Professional Engineers and Land Surveyors certifies that:

(a) The principals of the corporation are licensed to practice engineering pursuant to the laws of this state; or

(b) The corporation is exempt from the prohibitions of NRS 625.520.

~~[4.]~~ *6.* The Secretary of State shall not accept for filing the documents required by subsection 1 or NRS 80.110 for any foreign corporation if it appears from the documents that the business to be carried on by the corporation is subject to supervision by the Commissioner of Financial Institutions, unless the Commissioner certifies that:

(a) The corporation has obtained the authority required to do business in this state; or

(b) The corporation is not subject to or is exempt from the requirements for obtaining such authority.

~~[5.]~~ *7.* The Secretary of State shall not accept for filing the documents required by subsection 1 or NRS 80.110 for any foreign corporation if the name of the corporation contains the words "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the foreign corporation:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the *Nevada* State Board of Accountancy under penalty of perjury a written statement that the foreign corporation is not engaged in the practice of accounting and is not offering to practice accounting in this state.

~~[6.]~~ *8.* The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 24. NRS 80.025 is hereby amended to read as follows:

80.025 1. If a foreign corporation cannot qualify to do business in this state because its name does not meet the requirements of ~~[subsection 2 or 3 of]~~ NRS 80.010, it may apply for a certificate to do business by having its board of directors adopt a resolution setting forth the name under which the corporation elects to do business in this state. The resolution may:

(a) Add to the existing corporate name a word, abbreviation or other distinctive element; or

(b) Adopt a name different from its existing corporate name that is available for use in this state.

2. In addition to the documents required by subsection 1 of NRS 80.010, the corporation shall file a resolution certifying the adoption of the modified name.

3. If the Secretary of State determines that the modified corporate name complies with the provisions of ~~[subsection 2 or 3]~~ of NRS 80.010, he shall issue the certificate in the foreign corporation's modified name if the foreign corporation otherwise qualifies to do business in this state.

4. A foreign corporation doing business in this state under a modified corporate name approved by the Secretary of State shall use the modified name in its dealings and communications with the Secretary of State.

Sec. 24.3. NRS 80.050 is hereby amended to read as follows:

80.050 1. Except as otherwise provided in subsection 3, foreign corporations shall pay the same fees to the Secretary of State as are required to be paid by corporations organized pursuant to the laws of this state, but the amount of fees to be charged must not exceed:

(a) The sum of ~~[$25,000]~~ *$35,000* for filing documents for initial qualification; or

(b) The sum of ~~[$25,000]~~ *$35,000* for each subsequent filing of a certificate increasing authorized capital stock.

2. If the corporate documents required to be filed set forth only the total number of shares of stock the corporation is authorized to issue without reference to value, the authorized shares shall be deemed to be without par value and the filing fee must be computed pursuant to paragraph (b) of subsection 3 of NRS 78.760.

3. Foreign corporations which are nonprofit corporations and do not have or issue shares of stock shall pay the same fees to the Secretary of State as are required to be paid by nonprofit corporations organized pursuant to the laws of this state.

4. The fee for filing a notice of withdrawal from the State of Nevada by a foreign corporation is ~~[$60.]~~ *$75.*

Sec. 24.7. NRS 80.070 is hereby amended to read as follows:

80.070 1. A foreign corporation may change its resident agent by filing with the Secretary of State:

(a) A certificate of change ~~[,]~~ *of resident agent,* signed by an officer of the corporation, setting forth:

(1) The name of the corporation;

(2) The name and street address of the present resident agent; and

(3) The name and street address of the new resident agent; and

(b) A certificate of acceptance executed by the new resident agent, which must be a part of or attached to the certificate of change ~~[. The change authorized by this subsection becomes effective upon the filing of the certificate of change.]~~ *of resident agent.*

2. *If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:*

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

3. A change authorized by subsection 1 or 2 becomes effective upon the filing of the proper certificate of change.

4. A ~~[person who has been designated by a foreign corporation as]~~ resident agent ~~[may file]~~ *who desires to resign shall:*

(a) File with the Secretary of State a signed statement *in the manner provided pursuant to subsection 1 of NRS 78.097* that he is unwilling to continue to act as the *resident* agent of the corporation for the service of process ~~[.~~

~~3.]~~ *; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097. A resignation is not effective until the signed statement is filed with the Secretary of State.

5. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation is not accompanied by a statement of the corporation appointing a successor resident agent, the resigning resident agent shall give written notice, by mail, to the corporation, of the filing of the statement and its effect. The notice must be addressed to any officer of the corporation other than the resident agent.

~~[4.]~~ *6.* If a resident agent dies, resigns or moves from the State, the corporation, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance executed by the new resident agent. The certificate must set forth the name of the new resident agent, his street address for the

service of process, and his mailing address if different from his street address.

~~[5.]~~ *7.* A corporation that fails to file a certificate of acceptance executed by a new resident agent within 30 days after the death, resignation or removal of its resident agent shall be deemed in default and is subject to the provisions of NRS 80.150 and 80.160.

Sec. 25. NRS 80.110 is hereby amended to read as follows:

80.110 1. Each foreign corporation doing business in this state shall, on or before the ~~[first]~~ *last* day of the ~~[second]~~ *first* month after the filing of its certificate of corporate existence with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this state occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The names *and addresses, either residence or business,* of its president, secretary and treasurer *,* or ~~[their equivalent,]~~ *the equivalent thereof,* and all of its directors;

(b) ~~[A designation of its]~~ *The name and street address of the lawfully designated* resident agent *of the corporation* in this state; and

(c) The signature of an officer of the corporation.

Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the foreign corporation has complied with the provisions of chapter 364A of NRS ~~[.]~~ *and which acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.*

2. Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State ~~[a fee of $85.]~~ *, if the amount represented by the total number of shares provided for in the articles is:*

$75,000 or less $125
Over $75,000 and not over $200,000 175
Over $200,000 and not over $500,000 275
Over $500,000 and not over $1,000,000 375
Over $1,000,000:
For the first $1,000,000 375
For each additional $500,000 or fraction thereof 275

The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,100.

3. *If a director or officer of a corporation resigns and the resignation is not made in conjunction with the filing of an annual or amended list of directors and officers, the corporation shall pay to the Secretary of State a fee of $75 to file the resignation of the director or officer.*

4. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each corporation *which is* required to comply with the provisions of NRS 80.110 to 80.170, inclusive, *and* which has not become delinquent, the blank forms to be completed and filed with him. Failure of any corporation to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.170, inclusive.

~~[4.]~~ *5.* An annual list for a corporation not in default which is received by the Secretary of State more than ~~[60]~~ *90* days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 26. NRS 80.120 is hereby amended to read as follows:

80.120 If a corporation has filed the initial or annual list in compliance with NRS 80.110 and has paid the appropriate fee for the filing, the cancelled check *or other proof of payment* received by the corporation constitutes a certificate authorizing it to transact its business within this state until the last day of the month in which the anniversary of its qualification to transact business occurs in the next succeeding calendar year. ~~[If the corporation desires a formal certificate upon its payment of the initial or annual fee, its payment must be accompanied by a self-addressed, stamped envelope.]~~

Sec. 27. NRS 80.140 is hereby amended to read as follows:

80.140 1. ~~[Every]~~ *Each* list required to be filed under the provisions of NRS 80.110 to 80.170, inclusive, must, after the name of each officer and director listed thereon, set forth the ~~[post office box or street]~~ address, either residence or business, of each officer and director.

2. If the addresses are not stated for each person on any list offered for filing, the Secretary of State may refuse to file the list, and the corporation for which the list has been offered for filing is subject to all the provisions of NRS 80.110 to 80.170, inclusive, relating to failure to file the list within or at the times therein specified, unless a list is subsequently submitted for filing which conforms to the provisions of this section.

Sec. 28. NRS 80.150 is hereby amended to read as follows:

80.150 1. Any corporation required to make a filing and pay the fee prescribed in NRS 80.110 to 80.170, inclusive, which refuses or neglects to do so within the time provided ~~[,]~~ is in default.

2. For default there must be added to the amount of the fee a penalty of ~~[$50,]~~ *$75* and unless the filing is made and the fee and penalty are paid on or before the ~~[first day of the ninth month following the month]~~ *last day of the month in which the anniversary date of incorporation occurs* in which filing was required, the defaulting corporation by reason of its default forfeits its right to transact any business within this state. The fee and penalty must be collected as provided in this chapter.

Sec. 29. NRS 80.160 is hereby amended to read as follows:

80.160 1. The Secretary of State shall notify, by ~~[letter addressed]~~ *providing written notice* to its resident agent, each corporation deemed in

default pursuant to NRS 80.150. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

2. Immediately after the ~~[first day of the ninth month following the month in which filing was required,]~~ *last day of the month in which the anniversary date of incorporation occurs,* the Secretary of State shall compile a ~~[full and]~~ complete list containing the names of all corporations whose right to ~~[do]~~ *transact* business has been forfeited.

3. The Secretary of State shall notify, by ~~[letter addressed]~~ *providing written notice* to its resident agent, each corporation specified in subsection 2 of the forfeiture of its right to do business. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

Sec. 30. NRS 80.170 is hereby amended to read as follows:

80.170 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business under the provisions of this chapter and *shall* restore to the corporation its right to transact business in this state, and to exercise its corporate privileges and immunities *,* if it:

(a) Files with the Secretary of State ~~[a]~~ *:*

(1) The list as provided in NRS 80.110 and 80.140; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 80.110 and 80.150 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. ~~[If payment is made and]~~ *When* the Secretary of State reinstates the corporation *,* ~~[to its former rights,]~~ he shall ~~[:~~

~~(a) Immediately issue and deliver to the corporation so reinstated a certificate of reinstatement authorizing it to transact business in the same manner as if the filing fee had been paid when due; and~~

~~(b) Upon demand,]~~ issue to the corporation ~~[one or more certified copies of the]~~ *a* certificate of reinstatement ~~[.]~~ *if the corporation:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid ~~[,]~~ and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a corporation to transact business in this state has been forfeited pursuant to the provisions of NRS 80.160 and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

Sec. 30.5. NRS 80.190 is hereby amended to read as follows:

80.190 1. Except as otherwise provided in subsection 2, each foreign corporation doing business in this state shall, not later than the month of March in each year, publish a statement of its last calendar year's business in two numbers or issues of a newspaper published in this state [.] *that has a total weekly circulation of at least 1,000. The statement must include:*

(a) The name of the corporation.

(b) The name and title of the corporate officer submitting the statement.

(c) The mailing or street address of the corporation's principal office.

(d) The mailing or street address of the corporation's office in this state, if one exists.

(e) The total assets and liabilities of the corporation at the end of the year.

2. If the corporation keeps its records on the basis of a fiscal year other than the calendar, the statement required by subsection 1 must be published not later than the end of the third month following the close of each fiscal year.

3. A corporation which neglects or refuses to publish a statement as required by this section is liable to a penalty of $100 for each month that the statement remains unpublished.

4. Any district attorney in the State or the Attorney General may sue to recover the penalty. The first county suing through its district attorney shall recover the penalty, and if no suit is brought for the penalty by any district attorney, the State may recover through the Attorney General.

Sec. 31. Chapter 81 of NRS is hereby amended by adding thereto the provisions set forth as sections 32 and 33 of this act.

Sec. 32. *1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.*

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 33. *1. A nonprofit cooperative corporation, a cooperative association, a charitable organization or any other entity formed under the provisions of this chapter may correct a document filed by the Secretary of State with respect to the entity if the document contains an inaccurate record of an action described in the document or was defectively executed, attested, sealed, verified or acknowledged.*

2. To correct a document, the entity must:

(a) Prepare a certificate of correction which:

(1) States the name of the entity;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by an officer of the entity or, if the certificate is filed before the first meeting of the board of directors, by an incorporator or director.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 34. NRS 81.200 is hereby amended to read as follows:

81.200 1. ~~[Every]~~ *Each* association formed under NRS 81.170 to 81.270, inclusive, shall prepare articles of association in writing, setting forth:

(a) The name of the association.

(b) The purpose for which it is formed.

(c) The name of the person designated as the resident agent, the street address for service of process, and the mailing address if different from the street address.

(d) The term for which it is to exist, which may be perpetual.

(e) The ~~[number of the directors thereof, and the]~~ names and ~~[residences of those]~~ *addresses, either residence or business, of the directors* selected for the first year.

(f) The amount which each member is to pay upon admission as a fee for membership, and that each member signing the articles has actually paid the fee.

(g) That the interest and right of each member therein is to be equal.

(h) The name and ~~[post office box or street]~~ address, either residence or business, of each of the persons executing the articles of association.

2. The articles of association must be subscribed by the original associates or members.

3. The articles so subscribed must be filed, together with a certificate of acceptance of appointment executed by the resident agent for the association, in the Office of the Secretary of State, who shall furnish a certified copy

thereof. From the time of the filing in the Office of the Secretary of State, the association may exercise all the powers for which it was formed.

Sec. 35. Chapter 82 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 44, inclusive, of this act.

Sec. 36. *1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.*

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 37. *1. A corporation may correct a document filed by the Secretary of State with respect to the corporation if the document contains an inaccurate record of a corporate action described in the document or was defectively executed, attested, sealed, verified or acknowledged.*

2. To correct a document, the corporation must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by an officer of the corporation or, if the certificate is filed before the first meeting of the board of directors, by an incorporator or director.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 38. *1. Each foreign nonprofit corporation doing business in this state shall, on or before the last day of the first month after the filing of its application for registration as a foreign nonprofit corporation with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this*

state occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign nonprofit corporation;

(b) The file number of the foreign nonprofit corporation, if known;

(c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and all of the directors of the foreign nonprofit corporation;

(d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation;

(e) The name and address of its resident agent in this state; and

(f) The signature of an officer of the foreign nonprofit corporation certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign nonprofit corporation:

(a) Has complied with the provisions of chapter 364A of NRS; and

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of $25.

4. The Secretary of State shall, 60 days before the last day for filing each annual list, cause to be mailed to each foreign nonprofit corporation which is required to comply with the provisions of sections 38 to 44, inclusive, of this act, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign nonprofit corporation to receive the forms does not excuse it from the penalty imposed by the provisions of sections 38 to 44, inclusive, of this act.

5. An annual list for a foreign nonprofit corporation not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 39. *If a foreign nonprofit corporation has filed the initial or annual list in compliance with section 38 of this act and has paid the appropriate fee for the filing, the cancelled check or other proof of payment received by the foreign nonprofit corporation constitutes a certificate authorizing it to transact its business within this state until the last day of the month in which the anniversary of its qualification to transact business occurs in the next succeeding calendar year.*

Sec. 40. *1. Each list required to be filed under the provisions of sections 38 to 44, inclusive, of this act must, after the name of each officer listed thereon, set forth the address, either residence or business, of each officer.*

2. If the addresses are not stated for each person on any list offered for filing, the Secretary of State may refuse to file the list, and the foreign nonprofit corporation for which the list has been offered for filing is subject to all the provisions of sections 38 to 44, inclusive, of this act relating to failure to file the list within or at the times therein specified, unless a list is subsequently submitted for filing which conforms to the provisions of this section.

Sec. 41. *1. Each foreign nonprofit corporation required to make a filing and pay the fee prescribed in sections 38 to 44, inclusive, of this act that refuses or neglects to do so within the time provided is in default.*

2. For default there must be added to the amount of the fee a penalty of $50, and unless the filing is made and the fee and penalty are paid on or before the last day of the month in which the anniversary date of the foreign nonprofit corporation occurs, the defaulting foreign nonprofit corporation forfeits its right to transact any business within this state. The fee and penalty must be collected as provided in this chapter.

Sec. 42. *1. The Secretary of State shall notify, by providing written notice to its resident agent, each foreign nonprofit corporation deemed in default pursuant to section 41 of this act. The written notice:*

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of incorporation occurs, the Secretary of State shall compile a complete list containing the names of all foreign nonprofit corporations whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its resident agent, each foreign nonprofit corporation specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

Sec. 43. *1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign nonprofit corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of sections 38 to 44, inclusive, of this act and restore to the foreign nonprofit corporation its right to transact business in this state, and to exercise its corporate privileges and immunities, if it:*

(a) Files with the Secretary of State a list as provided in sections 38 and 40 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in sections 38 and 41 of this act for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $100 for reinstatement.

2. When the Secretary of State reinstates the foreign nonprofit corporation, he shall issue to the foreign nonprofit corporation a certificate of reinstatement if the foreign nonprofit corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the fees as provided in subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign nonprofit corporation to transact business in this state has been forfeited pursuant to the provisions of section 42 of this act and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 44. *1. Except as otherwise provided in subsection 2, if a foreign nonprofit corporation applies to reinstate its charter but its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title and that name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign nonprofit corporation must in its application for reinstatement submit in writing to the Secretary of State some other name under which it desires its existence to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate the foreign nonprofit corporation under that new name.*

2. If the applying foreign nonprofit corporation submits the written, acknowledged consent of the artificial person having a name, or who has reserved a name, which is not distinguishable from the old name of the applying foreign nonprofit corporation or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 45. NRS 82.106 is hereby amended to read as follows:

82.106 1. The Secretary of State shall not accept for filing pursuant to this chapter any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to this chapter if the name of the corporation contains the words "trust," "engineer," "engineered," "engineering," "professional engineer" or "licensed engineer."

2. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing under this chapter when it appears from

the articles or the certificate of amendment that the business to be carried on by the corporation is subject to supervision by the Commissioner of Insurance.

3. The Secretary of State shall not accept for filing pursuant to this chapter any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to this chapter if the name of the corporation contains the words "accountant," "accounting," "accountancy," "auditor" or "auditing."

4. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to the laws of this state which provides that the name of the corporation contains the words "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 of NRS unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities pursuant to NRS 116.31158; and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155.

Sec. 46. NRS 82.193 is hereby amended to read as follows:

82.193 1. A corporation shall have a resident agent in the manner provided in NRS 78.090, 78.095, 78.097 and 78.110. The resident agent and the corporation shall comply with the provisions of those sections.

2. *Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.110315 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 and paid the fees pursuant to NRS 116.31155, the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.150 to 78.185, inclusive.*

3. A corporation is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is ~~[$15;]~~ *$25;*

(b) The penalty added for default is ~~[$5;]~~ *$50;* and

(c) The fee for reinstatement is ~~[$25.]~~ *$100.*

Sec. 47. NRS 82.356 is hereby amended to read as follows:

82.356 1. ~~[Every]~~ *Each* amendment adopted pursuant to the provisions of NRS 82.351 must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed, approve it and, if the corporation has members entitled to vote on an amendment to the articles, call a meeting, either annual or special, of the members. The amendment must also be approved by ~~[every]~~ *each* public official or other person whose approval of an amendment of articles is required by the articles.

(b) At the meeting of members, of which notice must be given to each member entitled to vote pursuant to the provisions of this section, a vote of the members entitled to vote in person or by proxy must be taken for and against the proposed amendment. A majority of a quorum of the voting power of the members or such greater proportion of the voting power of members as may be required in the case of a vote by classes, as provided in subsection 3, or as may be required by the articles, must vote in favor of the amendment.

(c) Upon approval of the amendment by the directors, or if the corporation has members entitled to vote on an amendment to the articles, by both the directors and those members, and such other persons or public officers, if any, as are required to do so by the articles, ~~[the chairman of the board or the president or vice president, and the secretary or assistant secretary,]~~ *an officer of the corporation* must execute a certificate setting forth the amendment, or setting forth the articles as amended, that the public officers or other persons, if any, required by the articles have approved the amendment, and the vote of the members and directors by which the amendment was adopted.

(d) The certificate so executed must be filed in the Office of the Secretary of State.

2. Upon filing the certificate, the articles of incorporation are amended accordingly.

3. If any proposed amendment would alter or change any preference or any relative or other right given to any class of members, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of a majority of a quorum of the voting power of each class of members affected by the amendment regardless of limitations or restrictions on their voting power.

4. In the case of any specified amendments, the articles may require a larger vote of members than that required by this section.

Sec. 48. NRS 82.451 is hereby amended to read as follows:

82.451 1. A corporation may be dissolved and its affairs wound up voluntarily if the board of directors adopts a resolution to that effect and calls a meeting of the members entitled to vote to take action upon the resolution. The resolution must also be approved by any person or superior organization whose approval is required by a provision of the articles authorized by NRS 82.091. The meeting of the members must be held with due notice. If at the meeting the members entitled to exercise a majority of all the voting power consent by resolution to the dissolution, a certificate *signed by an*

officer of the corporation setting forth that the dissolution has been approved in compliance with this section, together with a list of the names and ~~[residences]~~ *addresses, either residence or business,* of the ~~[directors and officers, executed by the chairman of the board, president or vice president, and the secretary or an assistant secretary,]~~ *president, secretary and treasurer, or the equivalent thereof, and all of the directors of the corporation,* must be filed in the Office of the Secretary of State.

2. If a corporation has no members entitled to vote upon a resolution calling for the dissolution of the corporation, the corporation may be dissolved and its affairs wound up voluntarily by the board of directors if it adopts a resolution to that effect. The resolution must also be approved by any person or superior organization whose approval is required by a provision of the articles authorized by NRS 82.091. A certificate setting forth that the dissolution has been approved in compliance with this section and a list of the officers and directors, ~~[executed]~~ *signed* as provided in subsection 1, must be filed in the Office of the Secretary of State.

3. Upon the dissolution of any corporation under the provisions of this section or upon the expiration of its period of corporate existence, the directors are the trustees of the corporation in liquidation and in winding up the affairs of the corporation. The act of a majority of the directors as trustees remaining in office is the act of the directors as trustees.

Sec. 49. NRS 82.526 is hereby amended to read as follows:

82.526 The Secretary of State may microfilm *or image* any document which is filed in his office by a corporation pursuant to this chapter and may return the original document to the corporation.

Sec. 49.3. NRS 82.531 is hereby amended to read as follows:

82.531 1. The fee for filing articles of incorporation, amendments to or restatements of articles of incorporation, certificates pursuant to NRS 82.061 and 82.063 and documents for dissolution is ~~[$25]~~ *$50* for each document.

2. Except as otherwise provided in NRS 82.193 and subsection 1, the fees for filing documents are those set forth in NRS 78.765 to 78.785, inclusive.

Sec. 49.7. NRS 82.546 is hereby amended to read as follows:

82.546 1. Any corporation which did exist or is existing pursuant to the laws of this state may, upon complying with the provisions of NRS 78.150 and 82.193, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or its existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name and street address of the *lawfully designated* resident agent of the filing corporation, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer and all of its directors and their post office box and street addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary. The certificate must be approved by a majority of the last-appointed surviving directors.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary. The execution and filing of the certificate must be approved unanimously by the last-appointed surviving directors of the corporation and must contain a recital that unanimous consent was secured. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation named therein.

Sec. 50. Chapter 84 of NRS is hereby amended by adding thereto the provisions set forth as sections 51 and 52 of this act.

Sec. 51. *1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.*

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 52. *1. A corporation sole may correct a document filed by the Secretary of State with respect to the corporation sole if the document contains an inaccurate record of an action of the corporation sole described in the document or was defectively executed, attested, sealed, verified or acknowledged.*

2. To correct a document, the corporation sole must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation sole;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by an archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent or other presiding officer or clergyman of a church, religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church, religious society or denomination, and in whom is vested the legal title to the property held for the purpose, use or benefit of the church or religious society or denomination.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 52.3. NRS 84.090 is hereby amended to read as follows:

84.090 1. The fee for filing articles of incorporation, amendments to or restatements of articles of incorporation ~~[, certificates of reinstatement]~~ and documents for dissolution is ~~[$25]~~ *$50* for each document.

2. Except as otherwise provided in this chapter, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 52.5. NRS 84.110 is hereby amended to read as follows:

84.110 1. Every corporation sole must have a resident agent in the manner provided in NRS 78.090 and 78.095, subsections 1 to 4, inclusive, of NRS 78.097 and NRS 78.110. The resident agent shall comply with the provisions of those sections.

2. A corporation sole that fails to file a certificate of acceptance executed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the provisions of NRS 84.130 and 84.140.

3. ~~[No]~~ *A* corporation sole ~~[may be required to file an annual list of officers, directors and designation of resident agent.]~~ *is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:*

(a) The fee for filing a list is $25;

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 52.7. NRS 84.120 is hereby amended to read as follows:

84.120 1. A resident agent who wishes to resign shall ~~[file]~~ *:*

(a) File with the Secretary of State a signed statement ~~[for each corporation sole]~~ *in the manner provided pursuant to subsection 1 of NRS 78.097* that he is unwilling to continue to act as the *resident* agent of the corporation for the service of process ~~[.]~~ *; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097. A resignation is not effective until the signed statement is filed with the Secretary of State.

2. The statement of resignation may contain a statement of the affected corporation sole appointing a successor resident agent for that corporation. A certificate of acceptance executed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.

3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the corporation sole appointing a successor resident agent, the resigning resident agent shall immediately give written notice, by mail, to the corporation of the filing of the statement and its effect. The notice must be addressed to the person in whom is vested the legal title to property specified in NRS 84.020.

4. If a resident agent dies, resigns or removes from the State, the corporation sole, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance executed by the new resident agent. The certificate must set forth the full name and complete street address of the new resident agent for the service of process, and may have a separate mailing address, such as a post office box, which may be different from the street address.

5. A corporation sole that fails to file a certificate of acceptance executed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the provisions of NRS 84.130 and 84.140.

Sec. 53. NRS 84.140 is hereby amended to read as follows:

84.140 1. The Secretary of State shall notify, by ~~[letter addressed]~~ *providing written notice* to its resident agent, each corporation sole deemed in default pursuant to the provisions of this chapter. The notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

2. On the first day of the ~~[ninth]~~ *first anniversary of the* month following the month in which the filing was required, the charter of the corporation sole is revoked and its right to transact business is forfeited.

3. The Secretary of State shall compile a complete list containing the names of all corporations sole whose right to ~~[do]~~ *transact* business has been forfeited.

4. The Secretary of State shall forthwith notify, by ~~[letter addressed]~~ *providing written notice* to its resident agent, each ~~[such]~~ corporation *specified in subsection 3* of the forfeiture of its charter. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

Sec. 54. Chapter 86 of NRS is hereby amended by adding thereto the provisions set forth as sections 55 to 62, inclusive, of this act.

Sec. 55. *1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.*

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 56. *1. Each foreign limited-liability company doing business in this state shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited-liability company with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this state occurs in each year, file with the Secretary of State a list on a form furnished by him that contains:*

(a) The name of the foreign limited-liability company;

(b) The file number of the foreign limited-liability company, if known;

(c) The names and titles of all its managers or, if there is no manager, all of its managing members;

(d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c);

(e) The name and address of its resident agent in this state; and

(f) The signature of a manager or managing member of the foreign limited-liability company certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited-liability company:

(a) Has complied with the provisions of chapter 364A of NRS; and

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of $125.

4. The Secretary of State shall, 60 days before the last day for filing each annual list required by this section, cause to be mailed to each foreign limited-liability company which is required to comply with the provisions of sections 56 to 62, inclusive, of this act, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited-liability company to receive the forms does not excuse it from the penalty imposed by the provisions of sections 56 to 62, inclusive, of this act.

5. An annual list for a foreign limited-liability company not in default which is received by the Secretary of State more than 90 days before its due date must be deemed an amended list for the previous year and does not satisfy the requirements of this section for the year to which the due date is applicable.

Sec. 57. *If a foreign limited-liability company has filed the initial or annual list in compliance with section 56 of this act and has paid the appropriate fee for the filing, the cancelled check or other proof of payment received by the foreign limited-liability company constitutes a certificate authorizing it to transact its business within this state until the last day of the month in which the anniversary of its qualification to transact business occurs in the next succeeding calendar year.*

Sec. 58. *1. Each list required to be filed under the provisions of sections 56 to 62, inclusive, of this act must, after the name of each manager or, if there is no manager, each of its managing members listed thereon, set forth the address, either residence or business, of each manager or managing member.*

2. If the addresses are not stated for each person on any list offered for filing, the Secretary of State may refuse to file the list, and the foreign limited-liability company for which the list has been offered for filing is

subject to all the provisions of sections 56 to 62, inclusive, of this act relating to failure to file the list within or at the times therein specified, unless a list is subsequently submitted for filing which conforms to the provisions of this section.

Sec. 59. *1. Each foreign limited-liability company required to make a filing and pay the fee prescribed in sections 56 to 62, inclusive, of this act which refuses or neglects to do so within the time provided is in default.*

2. For default there must be added to the amount of the fee a penalty of $50, and unless the filing is made and the fee and penalty are paid on or before the last day of the month in which the anniversary date of the foreign limited-liability company occurs, the defaulting foreign limited-liability company by reason of its default forfeits its right to transact any business within this state. The fee and penalty must be collected as provided in this chapter.

Sec. 60. *1. The Secretary of State shall notify, by providing written notice to its resident agent, each foreign limited-liability company deemed in default pursuant to section 59 of this act. The written notice:*

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of its organization occurs, the Secretary of State shall compile a complete list containing the names of all foreign limited-liability companies whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its resident agent, each foreign limited-liability company specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

Sec. 61. *1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited-liability company which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited-liability company its right to transact business in this state, and to exercise its privileges and immunities, if it:*

(a) Files with the Secretary of State a list as provided in sections 56 and 58 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in sections 56 and 59 of this act for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited-liability company, he shall issue to the foreign limited-liability company a certificate of reinstatement if the foreign limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited-liability company to transact business in this state has been forfeited pursuant to the provisions of section 60 of this act and has remained forfeited for a period of 5 consecutive years, the right must not be reinstated.

Sec. 62. *1. Except as otherwise provided in subsection 2, if a foreign limited-liability company applies to reinstate its registration but its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign limited-liability company must in its application for reinstatement submit in writing to the Secretary of State some other name under which it desires its existence to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate the foreign limited-liability company under that new name.*

2. If the applying foreign limited-liability company submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying foreign limited-liability company or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 63. NRS 86.161 is hereby amended to read as follows:

86.161 1. The articles of organization must set forth:

(a) The name of the limited-liability company;

(b) The name and complete street address of its resident agent, and the mailing address of the resident agent if different from the street address;

(c) The name and ~~[post office or street]~~ address, either residence or business, of each of the organizers executing the articles; and

(d) If the company is to be managed by:

(1) One or more managers, the name and ~~[post office or street]~~ address, either residence or business, of each manager; or

(2) The members, the name and ~~[post-office or street]~~ address, either residence or business, of each member.

2. The articles may set forth any other provision, not inconsistent with law, which the members elect to set out in the articles of organization for the regulation of the internal affairs of the company, including any provisions which under this chapter are required or permitted to be set out in the operating agreement of the company.

3. It is not necessary to set out in the articles of organization:

(a) The rights, if any, of the members to contract debts on behalf of the limited-liability company; or

(b) Any of the powers enumerated in this chapter.

Sec. 64. NRS 86.171 is hereby amended to read as follows:

86.171 1. The name of a limited-liability company formed under the provisions of this chapter must contain the words "Limited-Liability Company," "Limited Company," or "Limited" or the abbreviations "Ltd.," "L.L.C.," "L.C.," "LLC" or "LC." The word "Company" may be abbreviated as "Co."

2. The name proposed for a limited-liability company must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If a proposed name is not so distinguishable, the Secretary of State shall return the articles of organization to the organizer, unless the written, acknowledged consent of the holder of the name on file or reserved name to use the same name or the requested similar name accompanies the articles of organization.

3. For the purposes of this section and NRS 86.176, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination ~~[of these.]~~ *thereof.*

4. The name of a limited-liability company whose charter has been revoked, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State shall not accept for filing any articles of organization for any limited-liability company if the name of the limited-liability company contains the words "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the limited-liability company:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the *Nevada* State Board of Accountancy under penalty of perjury a written statement that the limited-liability company is not engaged in the practice of accounting and is not offering to practice accounting in this state.

6. *The Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the laws of this state which provides that the name of the limited-liability company contains the word "bank" or "trust" unless:*

(a) It appears from the articles of organization or the certificate of amendment that the limited-liability company proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and

(b) The articles of organization or certificate of amendment is first approved by the Commissioner of Financial Institutions.

7. The Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the provisions of this chapter if it appears from the articles or the certificate of amendment that the business to be carried on by the limited-liability company is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions unless the articles or certificate of amendment is approved by the Commissioner who will supervise the business of the foreign limited-liability company.

8. Except as otherwise provided in subsection 7, the Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the laws of this state which provides that the name of the limited-liability company contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the limited-liability company are licensed to practice engineering pursuant to the laws of this state; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the limited-liability company is exempt from the prohibitions of NRS 625.520.

9. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 65. NRS 86.221 is hereby amended to read as follows:

86.221 1. The articles of organization of a limited-liability company may be amended for any purpose, not inconsistent with law, as determined by all of the members or permitted by the articles or an operating agreement.

2. An amendment must be made in the form of a certificate setting forth:

(a) The name of the limited-liability company;

(b) Whether the limited-liability company is managed by ~~[one or more]~~ managers or members; and

(c) The amendment to the articles of organization.

3. The certificate of amendment must be signed by a manager of the company or, if management is not vested in a manager, by a member.

4. Restated articles of organization may be executed and filed in the same manner as a certificate of amendment. If the certificate alters or amends the articles in any manner, it must be accompanied by:

(a) A resolution; or

(b) A form prescribed by the Secretary of State, setting forth which provisions of the articles of organization on file with the Secretary of State are being altered or amended.

Sec. 65.3. NRS 86.226 is hereby amended to read as follows:

86.226 1. A signed certificate of amendment, or a certified copy of a judicial decree of amendment, must be filed with the Secretary of State. A person who executes a certificate as an agent, officer or fiduciary of the limited-liability company need not exhibit evidence of his authority as a prerequisite to filing. Unless the Secretary of State finds that a certificate does not conform to law, upon his receipt of all required filing fees he shall file the certificate.

2. A certificate of amendment or judicial decree of amendment is effective upon filing with the Secretary of State or upon a later date specified in the certificate or judicial decree, which must not be more than 90 days after the certificate or judicial decree is filed.

3. If a certificate specifies an effective date and if the resolution of the members approving the proposed amendment provides that one or more managers or, if management is not vested in a manager, one or more members may abandon the proposed amendment, then those managers or members may terminate the effectiveness of the certificate by filing a certificate of termination with the Secretary of State that:

(a) Is filed before the effective date specified in the certificate or judicial decree filed pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that, pursuant to the resolution of the members, the manager of the company or, if management is not vested in a manager, a designated member is authorized to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by a manager of the company or, if management is not vested in a manager, a designated member; and

(f) Is accompanied by a filing fee of ~~[$150.]~~ *$175*.

Sec. 65.5. NRS 86.235 is hereby amended to read as follows:

86.235 1. If a limited-liability company formed pursuant to this chapter desires to change its resident agent, the change may be effected by filing with the Secretary of State a certificate of change *of resident agent* signed by a manager of the company or, if management is not vested in a manager, by a member, that sets forth:

(a) The name of the limited-liability company;

(b) The name and street address of its present resident agent; and

(c) The name and street address of the new resident agent.

2. The new resident agent's certificate of acceptance must be a part of or attached to the certificate of change ~~[~~.

~~3. The]~~ *of resident agent.*

3. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

4. A change authorized by this section becomes effective upon the filing of the *proper* certificate of change.

Sec. 65.7. NRS 86.251 is hereby amended to read as follows:

86.251 1. A resident agent who desires to resign shall ~~[file]~~ *:*

(a) File with the Secretary of State a signed statement ~~[for each limited-liability company]~~ *in the manner provided pursuant to subsection 1 of NRS 78.097* that he is unwilling to continue to act as the *resident* agent of the limited-liability company for the service of process ~~[.]~~ *; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097. A resignation is not effective until the signed statement is filed with the Secretary of State.

2. The statement of resignation may contain a statement of the affected limited-liability company appointing a successor resident agent for that limited-liability company, giving the agent's full name, street address for the service of process, and mailing address if different from the street address. A certificate of acceptance executed by the new resident agent must accompany the statement appointing a successor resident agent.

3. Upon the filing of the statement of resignation with the Secretary of State the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the limited-liability company appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the limited-liability company of the filing of the statement and its effect. The notice must be addressed to any manager or, if none, to any member, of the limited-liability company other than the resident agent.

4. If a resident agent dies, resigns or moves from the State, the limited-liability company, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance executed by the new resident agent. The certificate must set forth the name, complete street address and

mailing address, if different from the street address, of the new resident agent.

5. Each limited-liability company which fails to file a certificate of acceptance executed by the new resident agent within 30 days after the death, resignation or removal of its resident agent as provided in subsection 4, shall be deemed in default and is subject to the provisions of NRS 86.272 and 86.274.

Sec. 66. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the ~~[first]~~ *last* day of the ~~[second]~~ *first* month after the filing of its articles of organization with the Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The ~~[mailing or street]~~ address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;

(e) The name and ~~[street]~~ address of the *lawfully designated* resident agent of the limited-liability company; and

(f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall annually thereafter, on or before the last day of the month in which the anniversary date of its organization occurs, file with the Secretary of State, on a form furnished by him, an amended list containing all of the information required in subsection 1. ~~[If the limited liability company has had no changes in its managers or, if there is no manager, its managing members, since its previous list was filed, no amended list need be filed if a manager or managing member of the limited-liability company certifies to the Secretary of State as a true and accurate statement that no changes in the managers or managing members have occurred.]~~

3. Each list required by ~~[subsection 1 and each list or certification required by subsection]~~ *subsections 1 and* 2 must be accompanied by a declaration under penalty of perjury that the limited-liability company ~~[has]~~ *:*

(a) Has complied with the provisions of chapter 364A of NRS ~~[.]~~ *; and*

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual list required by subsection 2 , ~~[or certifying that no changes have occurred,]~~ the limited-liability company shall pay to the Secretary of State a fee of ~~[$85.]~~ *$125.*

5. *If a manager or managing member of a limited-liability company resigns and the resignation is not made in conjunction with the filing of an annual or amended list of managers and managing members, the limited-liability company shall pay to the Secretary of State a fee of $75 to file the resignation of the manager or managing member.*

6. The Secretary of State shall, 60 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company *which is* required to comply with the provisions of this section, *and* which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2 . ~~[or a certification of no change.]~~ Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

~~[6.]~~ *7.* If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

~~[7.]~~ *8.* An annual list for a limited-liability company not in default received by the Secretary of State more than ~~[60]~~ *90* days before its due date shall be deemed an amended list for the previous year.

Sec. 67. NRS 86.266 is hereby amended to read as follows:

86.266 If a limited-liability company has filed the initial or annual list in compliance with NRS 86.263 and has paid the appropriate fee for the filing, the cancelled check *or other proof of payment* received by the limited-liability company constitutes a certificate authorizing it to transact its business within this state until the last day of the month in which the anniversary of its formation occurs in the next succeeding calendar year. ~~[If the company desires a formal certificate upon its payment of the annual fee, its payment must be accompanied by a self-addressed, stamped envelope.]~~

Sec. 68. NRS 86.269 is hereby amended to read as follows:

86.269 1. ~~[Every]~~ *Each* list required to be filed under the provisions of NRS 86.263 must, after the name of each manager and member listed thereon, set forth the ~~[post office box or street]~~ address, either residence or business, of each manager or member.

2. If the addresses are not stated for each person on any list offered for filing, the Secretary of State may refuse to file the list, and the limited-liability company for which the list has been offered for filing is subject to the provisions of NRS 86.272 and 86.274 relating to failure to file the list within or at the times therein specified, unless a list is subsequently submitted for filing which conforms to the provisions of this section.

Sec. 68.5. NRS 86.272 is hereby amended to read as follows:

86.272 1. Each limited-liability company required to make a filing and pay the fee prescribed in NRS 86.263 which refuses or neglects to do so within the time provided is in default.

2. For default there must be added to the amount of the fee a penalty of ~~[$50.]~~ *$75.* The fee and penalty must be collected as provided in this chapter.

Sec. 69. NRS 86.274 is hereby amended to read as follows:

86.274 1. The Secretary of State shall notify, by ~~[letter addressed]~~ *providing written notice* to its resident agent, each limited-liability company deemed in default pursuant to the provisions of this chapter. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

2. On the first day of the first anniversary of the month following the month in which the filing was required, the charter of the company is revoked and its right to transact business is forfeited.

3. The Secretary of State shall compile a complete list containing the names of all limited-liability companies whose right to ~~[do]~~ *transact* business has been forfeited.

4. The Secretary of State shall forthwith notify ~~[each limited liability company by letter addressed]~~ *, by providing written notice* to its resident agent *, each limited-liability company specified in subsection 3* of the forfeiture of its charter. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

~~[4.]~~ *(b) At the request of the resident agent, may be provided electronically.*

5. If the charter of a limited-liability company is revoked and the right to transact business is forfeited, all of the property and assets of the defaulting company must be held in trust by the managers or, if none, by the members of the company, and the same proceedings may be had with respect to its property and assets as apply to the dissolution of a limited-liability company pursuant to NRS 86.505 and 86.521. Any person interested may institute proceedings at any time after a forfeiture has been declared, but if the Secretary of State reinstates the charter *,* the proceedings must be dismissed and all property restored to the company.

~~[5.]~~ *6.* If the assets are distributed *,* they must be applied in the following manner:

(a) To the payment of the filing fee, penalties *incurred* and costs due to the State; and

(b) To the payment of the creditors of the company. Any balance remaining must be distributed among the members as provided in subsection 1 of NRS 86.521.

Sec. 70. NRS 86.276 is hereby amended to read as follows:

86.276 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited-liability company which has forfeited *or which forfeits* its right to transact business pursuant to the

provisions of this chapter and *shall* restore to the company its right to carry on business in this state, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State ~~[the]~~ *:*

(1) The list required by NRS 86.263; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.263 and 86.272 for each year or portion thereof during which it failed *to file* in a timely manner each required annual list; and

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. When the Secretary of State reinstates the limited-liability company, he shall ~~[:~~

~~(a) Immediately issue and deliver to the company a certificate of reinstatement authorizing it to transact business as if the filing fee had been paid when due; and~~

~~(b) Upon demand,~~] issue to the company ~~[one or more certified copies of the]~~ *a* certificate of reinstatement ~~[.]~~ *if the limited-liability company:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a company's charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 70.3. NRS 86.278 is hereby amended to read as follows:

86.278 1. Except as otherwise provided in subsection 2, if a limited-liability company applies to reinstate its charter but its name has been legally acquired or reserved by any other artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the company shall submit in writing to the Secretary of State some other name under which it desires its existence to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall ~~[issue to the applying]~~ *reinstate the* limited-liability company ~~[a certificate of reinstatement]~~ under that new name.

2. If the applying limited-liability company submits the written, acknowledged consent of the artificial person having the name, or the person reserving the name, which is not distinguishable from the old name of the applying company or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or

the other contains distinctive lettering, a distinctive mark, a trademark or a trade name or any combination of these.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 70.7. NRS 86.401 is hereby amended to read as follows:

86.401 1. On application to a court of competent jurisdiction by a judgment creditor of a member, the court may charge the member's interest with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the member's interest.

2. ~~[The court may appoint a receiver of the share of the distributions due or to become due to the judgment debtor in respect of the limited liability company. The receiver has only the rights of an assignee. The court may make all other orders, directions, accounts and inquiries that the judgment debtor might have made or which the circumstances of the case may require.~~

~~3. A charging order constitutes a lien on the member's interest of the judgment debtor. The court may order a foreclosure of the member's interest subject to the charging order at any time. The purchaser at the foreclosure sale has only the rights of an assignee.~~

~~4. Unless otherwise provided in the articles of organization or operating agreement, at any time before foreclosure, a member's interest charged may be redeemed:~~

~~(a) By the judgment debtor;~~

~~(b) With property other than property of the limited liability company, by one or more of the other members; or~~

~~(c) By the limited liability company with the consent of all of the members whose interests are not so charged.~~

~~5.]~~ This section ~~[provides]~~ *:*

(a) Provides the exclusive remedy by which a judgment creditor of a member or an assignee of a member may satisfy a judgment out of the member's interest of the judgment debtor.

~~[6. No creditor of a member has any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the limited liability company.~~

~~7. This section does]~~

(b) Does not deprive any member of the benefit of any exemption applicable to his interest.

Sec. 71. NRS 86.547 is hereby amended to read as follows:

86.547 1. A foreign limited-liability company may cancel its registration by filing with the Secretary of State a certificate of cancellation signed by a manager of the company or, if management is not vested in a manager, a member of the company. The certificate, which must be accompanied by the required fees, must set forth:

(a) The name of the foreign limited-liability company;

(b) ~~[The date upon which its certificate of registration was filed;~~

~~(e)~~] The effective date of the cancellation if other than the date of the filing of the certificate of cancellation; and

~~[(d)~~] *(c)* Any other information deemed necessary by the manager of the company or, if management is not vested in a manager, a member of the company.

2. A cancellation pursuant to this section does not terminate the authority of the Secretary of State to accept service of process on the foreign limited-liability company with respect to causes of action arising from the transaction of business in this state by the foreign limited-liability company.

Sec. 71.3. NRS 86.561 is hereby amended to read as follows:

86.561 1. The Secretary of State shall charge and collect for:

(a) Filing the original articles of organization, or for registration of a foreign company, ~~[$175;]~~ *$75;*

(b) Amending or restating the articles of organization, amending the registration of a foreign company or filing a certificate of correction, ~~[$150;]~~ *$175;*

(c) Filing the articles of dissolution of a domestic or foreign company, ~~[$60;]~~ *$75;*

(d) Filing a statement of change of address of a records or registered office, or change of the resident agent, ~~[$30;]~~ *$60;*

(e) Certifying articles of organization or an amendment to the articles, in both cases where a copy is provided, ~~[$20;]~~ *$30;*

(f) Certifying an authorized printed copy of this chapter, ~~[$20;]~~ *$30;*

(g) Reserving a name for a limited-liability company, ~~[$20;]~~ *$25;*

(h) Filing a certificate of cancellation, ~~[$60;]~~ *$75;*

(i) Executing, filing or certifying any other document, ~~[$40;]~~ *$50;* and

(j) Copies made at the Office of the Secretary of State, ~~[$1]~~ *$2* per page.

2. The Secretary of State shall charge and collect at the time of any service of process on him as agent for service of process of a limited-liability company, ~~[$10]~~ *$100* which may be recovered as taxable costs by the party to the action causing the service to be made if the party prevails in the action.

3. Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 71.5. NRS 86.568 is hereby amended to read as follows:

86.568 1. A limited-liability company may correct a document filed by the Secretary of State with respect to the limited-liability company if the document contains an inaccurate record of a company action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the limited-liability company must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited-liability company;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by a manager of the company, or if management is not vested in a manager, by a member of the company.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of ~~[$150]~~ *$175* to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 71.7. NRS 86.580 is hereby amended to read as follows:

86.580 1. A limited-liability company which did exist or is existing pursuant to the laws of this state may, upon complying with the provisions of NRS 86.276, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the limited-liability company, which must be the name of the limited-liability company at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name of the person *lawfully* designated as the resident agent of the limited-liability company, his street address for the service of process, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the limited-liability company desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its managers, or if there are no managers, all its managing members and their post office box or street addresses, either residence or business.

2. A limited-liability company whose charter has not expired and is being renewed shall cause the certificate to be signed by its manager, or if there is no manager, by a person designated by its members. The certificate must be approved by a majority in interest.

3. A limited-liability company seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the members. The execution and filing of the

certificate must be approved by the written consent of a majority in interest and must contain a recital that this consent was secured. The limited-liability company shall pay to the Secretary of State the fee required to establish a new limited-liability company pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence of the limited-liability company therein named.

Sec. 72. Chapter 87 of NRS is hereby amended by adding thereto the provisions set forth as sections 73 to 80, inclusive, of this act.

Sec. 73. *1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.*

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 74. *1. Each foreign limited-liability partnership doing business in this state shall, on or before the last day of the month after the filing of its application for registration as a foreign limited-liability partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this state occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:*

(a) The name of the foreign limited-liability partnership;

(b) The file number of the foreign limited-liability partnership, if known;

(c) The names of all its managing partners;

(d) The address, either residence or business, of each managing partner;

(e) The name and address of its resident agent in this state; and

(f) The signature of a managing partner of the foreign limited-liability partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited-liability partnership:

(a) Has complied with the provisions of chapter 364A of NRS; and

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign limited-liability partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign limited-liability partnership shall pay to the Secretary of State a fee of $125.

4. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign limited-liability partnership which is required to comply with the provisions of sections 74 to 80, inclusive, of this act, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited-liability partnership to receive the forms does not excuse it from the penalty imposed by the provisions of sections 74 to 80, inclusive, of this act.

5. An annual list for a foreign limited-liability partnership not in default which is received by the Secretary of State more than 90 days before its due date must be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 75. *If a foreign limited-liability partnership has filed the initial or annual list in compliance with section 74 of this act and has paid the appropriate fee for the filing, the cancelled check or other proof of payment received by the foreign limited-liability partnership constitutes a certificate authorizing it to transact its business within this state until the last day of the month in which the anniversary of its qualification to transact business occurs in the next succeeding calendar year.*

Sec. 76. *1. Each list required to be filed under the provisions of sections 74 to 80, inclusive, of this act must, after the name of each managing partner listed thereon, set forth the address, either residence or business, of each managing partner.*

2. If the addresses are not stated for each person on any list offered for filing, the Secretary of State may refuse to file the list, and the foreign limited-liability partnership for which the list has been offered for filing is subject to all the provisions of sections 74 to 80, inclusive, of this act relating to failure to file the list within or at the times therein specified, unless a list is subsequently submitted for filing which conforms to the provisions of this section.

Sec. 77. *1. Each foreign limited-liability partnership required to make a filing and pay the fee prescribed in sections 74 to 80, inclusive, of this act which refuses or neglects to do so within the time provided is in default.*

2. For default there must be added to the amount of the fee a penalty of $50, and unless the filing is made and the fee and penalty are paid on or before the last day of the month in which the anniversary date of the foreign

limited-liability partnership occurs, the defaulting foreign limited-liability partnership by reason of its default forfeits its right to transact any business within this state. The fee and penalty must be collected as provided in this chapter.

Sec. 78. *1. The Secretary of State shall notify, by providing written notice to its resident agent, each foreign limited-liability partnership deemed in default pursuant to section 77 of this act. The written notice:*

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of its registration occurs, the Secretary of State shall compile a complete list containing the names of all foreign limited-liability partnerships whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its resident agent, each foreign limited-liability partnership specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

Sec. 79. *1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited-liability partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited-liability partnership its right to transact business in this state, and to exercise its privileges and immunities, if it:*

(a) Files with the Secretary of State a list as provided in sections 74 and 76 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in sections 74 and 77 of this act for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited-liability partnership, he shall issue to the foreign limited-liability partnership a certificate of reinstatement if the foreign limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited-liability partnership to transact business in this state has been forfeited pursuant to the provisions of

section 78 of this act and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 80. *1. Except as otherwise provided in subsection 2, if a foreign limited-liability partnership applies to reinstate its certificate of registration and its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign limited-liability partnership must submit in writing in its application for reinstatement to the Secretary of State some other name under which it desires its existence to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate the foreign limited-liability partnership under that new name.*

2. If the applying foreign limited-liability partnership submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying foreign limited-liability partnership or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 81. NRS 87.450 is hereby amended to read as follows:

87.450 1. The name proposed for a registered limited-liability partnership must contain the words "Limited-Liability Partnership" or "Registered Limited-Liability Partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of the name and must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If the name of the registered limited-liability partnership on a certificate of registration of limited-liability partnership submitted to the Secretary of State is not distinguishable from a name on file or reserved name, the Secretary of State shall return the certificate to the person who signed it unless the written, acknowledged consent of the holder of the name on file or reserved name to use the name accompanies the certificate.

2. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination of ~~[these.]~~ *thereof.*

3. *The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this state which provides that the name of the registered limited-liability partnership contains the words "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the registered limited-liability partnership:*

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the registered limited-liability partnership is not engaged in the practice of accounting and is not offering to practice accounting in this state.

4. The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this state which provides that the name of the registered limited-liability partnership contains the word "bank" or "trust" unless:

(a) It appears from the certificate of registration or the certificate of amendment that the registered limited-liability partnership proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and

(b) The certificate of registration or certificate of amendment is first approved by the Commissioner of Financial Institutions.

5. The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the provisions of this chapter if it appears from the certificate of registration or the certificate of amendment that the business to be carried on by the registered limited-liability partnership is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions, unless the certificate of registration or certificate of amendment is approved by the Commissioner who will supervise the business of the registered limited-liability partnership.

6. Except as otherwise provided in subsection 5, the Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this state which provides that the name of the registered limited-liability partnership contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the registered limited-liability partnership are licensed to practice engineering pursuant to the laws of this state; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the registered limited-liability partnership is exempt from the prohibitions of NRS 625.520.

7. The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this state which provides that the name of the registered limited-liability partnership contains the words "unit-owners' association" or "homeowners' association" or if it appears in the certificate of registration or certificate of amendment that the purpose of the registered limited-liability partnership is to operate as a unit-owners' association pursuant to chapter 116 of NRS unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the registered limited-liability partnership has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities pursuant to NRS 116.31158; and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155.

8. The name of a registered limited-liability partnership whose right to transact business has been forfeited, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

~~[4.]~~ *9.* The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 81.5. NRS 87.455 is hereby amended to read as follows:

87.455 1. Except as otherwise provided in subsection 2, if a registered limited-liability partnership applies to reinstate its right to transact business but its name has been legally acquired by any other artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the applying registered limited-liability partnership shall submit in writing to the Secretary of State some other name under which it desires its right to transact business to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall ~~[issue to the applying]~~ *reinstate the* registered limited-liability partnership ~~[a certificate of reinstatement]~~ under that new name.

2. If the applying registered limited-liability partnership submits the written, acknowledged consent of the artificial person having the name, or the person who has reserved the name, that is not distinguishable from the old name of the applying registered limited-liability partnership or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or

the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination of these.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 82. NRS 87.460 is hereby amended to read as follows:

87.460 1. A certificate of registration of a registered limited-liability partnership may be amended by filing with the Secretary of State a certificate of amendment. The certificate of amendment must set forth:

(a) The name of the registered limited-liability partnership; *and*

(b) ~~[The dates on which the registered limited-liability partnership filed its original certificate of registration and any other certificates of amendment; and~~

~~(c)]~~ The change to the information contained in the original certificate of registration or any other certificates of amendment.

2. The certificate of amendment must be:

(a) Signed by a managing partner of the registered limited-liability partnership; and

(b) Accompanied by a fee of ~~[$150.]~~ *$175.*

Sec. 82.3. NRS 87.470 is hereby amended to read as follows:

87.470 The registration of a registered limited-liability partnership is effective until:

1. Its certificate of registration is revoked pursuant to NRS 87.520; or

2. The registered limited-liability partnership files with the Secretary of State a written notice of withdrawal executed by a managing partner. The notice must be accompanied by a fee of ~~[$60.]~~ *$75.*

Sec. 82.5. NRS 87.490 is hereby amended to read as follows:

87.490 1. If a registered limited-liability partnership wishes to change the location of its principal office in this state or its resident agent, it shall first file with the Secretary of State a certificate of change *of principal office or resident agent* that sets forth:

(a) The name of the registered limited-liability partnership;

(b) The street address of its principal office;

(c) If the location of its principal office will be changed, the street address of its new principal office;

(d) The name of its resident agent; and

(e) If its resident agent will be changed, the name of its new resident agent.

~~[The]~~

2. A certificate of acceptance ~~[of its]~~ *signed by the* new resident agent must accompany the certificate of change ~~[.~~

~~2.]~~ *of resident agent.*

3. A certificate of change *of principal office or resident agent* filed pursuant to this section must be:

(a) Signed by a managing partner of the registered limited-liability partnership; and

(b) Accompanied by a fee of ~~[$30.]~~ *$60.*

4. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

5. A change authorized by this section becomes effective upon the filing of the proper certificate of change.

Sec. 82.7. NRS 87.500 is hereby amended to read as follows:

87.500 1. A resident agent ~~[of a registered limited liability partnership]~~ who wishes to resign shall ~~[file]~~ *:*

(a) File with the Secretary of State a signed statement *in the manner provided pursuant to subsection 1 of NRS 78.097* that he is unwilling to continue to act as the resident agent of the registered limited-liability partnership for *the* service of process ~~[.]~~ *; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097. A resignation is not effective until the signed statement is filed with the Secretary of State.

2. The statement of resignation may contain a statement by the affected registered limited-liability partnership appointing a successor resident agent. A certificate of acceptance signed by the new agent, stating the full name, complete street address and, if different from the street address, the mailing address of the new agent, must accompany the statement appointing the new resident agent.

3. Upon the filing of the statement with the Secretary of State, the capacity of the person as resident agent terminates. If the statement of resignation contains no statement by the registered limited-liability partnership appointing a successor resident agent, the resigning agent shall immediately give written notice, by certified mail, to the registered limited-liability partnership of the filing of the statement and its effect. The notice must be addressed to a managing partner in this state.

4. If a resident agent dies, resigns or removes himself from the State, the registered limited-liability partnership shall, within 30 days thereafter, file with the Secretary of State a certificate of acceptance, executed by the new resident agent. The certificate must set forth the full name, complete street address and, if different from the street address, the mailing address of the newly designated resident agent.

5. If a registered limited-liability partnership fails to file a certificate of acceptance within the period required by ~~[this subsection,]~~ *subsection 4,* it is in default and is subject to the provisions of NRS 87.520.

Sec. 83. NRS 87.510 is hereby amended to read as follows:

87.510 1. A registered limited-liability partnership shall, on or before the ~~[first]~~ *last* day of the ~~[second]~~ *first* month after the filing of its certificate of registration with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the registered limited-liability partnership;

(b) The file number of the registered limited-liability partnership, if known;

(c) The names of all of its managing partners;

(d) The ~~[mailing or street]~~ address, either residence or business, of each managing partner;

(e) The name and ~~[street]~~ address of the *lawfully designated* resident agent of the registered limited-liability partnership; and

(f) The signature of a managing partner of the registered limited-liability partnership certifying that the list is true, complete and accurate.

Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of chapter 364A of NRS ~~[.]~~ *and which acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.*

2. Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$85.]~~ *$125.*

3. *If a managing partner of a registered limited-liability partnership resigns and the resignation is not made in conjunction with the filing of an annual or amended list of managing partners, the registered limited-liability partnership shall pay to the Secretary of State a fee of $75 to file the resignation of the managing partner.*

4. The Secretary of State shall, at least 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to the registered limited-liability partnership a notice of the fee due pursuant to subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice or form does not excuse it from complying with the provisions of this section.

~~[4.]~~ *5.* If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.

~~[5.]~~ *6.* An annual list that is filed by a registered limited-liability partnership which is not in default more than ~~[60]~~ *90* days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 84. NRS 87.520 is hereby amended to read as follows:

87.520 1. A registered limited-liability partnership that fails to comply with the provisions of NRS 87.510 is in default.

2. *Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a registered limited-liability partnership which is a unit-owners' association as defined in NRS 116.110315 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the registered limited-liability partnership to be in default. If, after the registered limited-liability partnership is deemed to be in default, the Administrator notifies the Secretary of State that the registered limited-liability partnership has registered pursuant to NRS 116.31158 and paid the fees pursuant to NRS 116.31155, the Secretary of State shall reinstate the registered limited-liability partnership if the registered limited-liability partnership complies with the requirements for reinstatement as provided in this section and NRS 87.510 and 87.530.*

3. Any registered limited-liability partnership that is in default pursuant to ~~[subsection 1]~~ *this section* must, in addition to the fee required to be paid pursuant to NRS 87.510, pay a penalty of ~~[$50.~~

~~3. On or before the 15th day of the third month after the month in which the fee required to be paid pursuant to NRS 87.510 is due, the]~~ *$75.*

4. The Secretary of State shall ~~[notify, by certified mail,]~~ *provide written notice to* the resident agent of any registered limited-liability partnership that is in default. The *written* notice ~~[must]~~ *:*

(a) Must include the amount of any payment that is due from the registered limited-liability partnership.

~~[4.]~~ *(b) At the request of the resident agent, may be provided electronically.*

5. If a registered limited-liability partnership fails to pay the amount that is due, the certificate of registration of the registered limited-liability partnership shall be deemed revoked ~~[on the first day of the ninth month after the month in which the fee required to be paid pursuant to NRS 87.510 was due. The]~~ *immediately after the last day of the month in which the anniversary date of the filing of the certificate of registration occurs, and the* Secretary of State shall notify ~~[a]~~ *the* registered limited-liability partnership, by ~~[certified mail, addressed]~~ *providing written notice* to its resident agent or, if the registered limited-liability partnership does not have a resident agent, to

a managing partner, that its certificate of registration is revoked . ~~[and]~~ *The written notice:*

(a) Must include the amount of any fees and penalties *incurred* that are due.

(b) At the request of the resident agent or managing partner, may be provided electronically.

Sec. 85. NRS 87.530 is hereby amended to read as follows:

87.530 1. Except as otherwise provided in subsection 3, the Secretary of State shall reinstate the certificate of registration of a registered limited-liability partnership that is revoked pursuant to NRS 87.520 if the registered limited-liability partnership:

(a) Files with the Secretary of State ~~[the]~~ *:*

(1) The information required by NRS 87.510; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The fee required to be paid ~~[by that section;]~~ *pursuant to NRS 87.510;*

(2) Any penalty required to be paid pursuant to NRS 87.520; and

(3) A reinstatement fee of ~~[$200.~~

~~2. Upon reinstatement of a certificate of registration pursuant to this section,]~~ *$300.*

2. When the Secretary of State *reinstates the registered limited-liability partnership, he* shall ~~[:~~

~~(a) Deliver to the registered limited liability partnership a certificate of reinstatement authorizing it to transact business retroactively from the date the fee required by NRS 87.510 was due; and~~

~~(b) Upon request,]~~ issue to the registered limited-liability partnership ~~[one or more certified copies of the]~~ *a* certificate of reinstatement ~~[.]~~ *if the registered limited-liability partnership:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not reinstate the certificate of registration of a registered limited-liability partnership if the certificate was revoked pursuant to NRS 87.520 at least 5 years before the date of the proposed reinstatement.

Sec. 86. NRS 87.547 is hereby amended to read as follows:

87.547 1. A *registered* limited-liability partnership may correct a document filed by the Secretary of State with respect to the *registered* limited-liability partnership if the document contains an inaccurate record of a partnership action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the *registered* limited-liability partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the *registered* limited-liability partnership;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by a managing partner of the *registered* limited-liability partnership.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of ~~[$150]~~ *$175* to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 86.5. NRS 87.550 is hereby amended to read as follows:

87.550 In addition to any other fees required by NRS 87.440 to 87.540, inclusive, and 87.560, the Secretary of State shall charge and collect the following fees for services rendered pursuant to those sections:

1. For certifying documents required by NRS 87.440 to 87.540, inclusive, and 87.560, ~~[$20]~~ *$30* per certification.

2. For executing a certificate verifying the existence of a registered limited-liability partnership, if the registered limited-liability partnership has not filed a certificate of amendment, ~~[$40.]~~ *$50.*

3. For executing a certificate verifying the existence of a registered limited-liability partnership, if the registered limited-liability partnership has filed a certificate of amendment, ~~[$40.]~~ *$50.*

4. For executing, certifying or filing any certificate or document not required by NRS 87.440 to 87.540, inclusive, and 87.560, ~~[$40.]~~ *$50.*

5. For any copies made by the Office of the Secretary of State, ~~[$1]~~ *$2* per page.

6. For examining and provisionally approving any document before the document is presented for filing, ~~[$100.]~~ *$125.*

Sec. 87. Chapter 88 of NRS is hereby amended by adding thereto the provisions set forth as sections 87.1 to 95, inclusive, of this act.

Sec. 87.1. *1. To become a registered limited-liability limited partnership, a limited partnership shall file with the Secretary of State a certificate of registration stating each of the following:*

(a) The name of the limited partnership.

(b) The street address of its principal office.

(c) The name of the person designated as the resident agent of the limited partnership, the street address of the resident agent where process may be served upon the partnership and the mailing address of the resident agent if it is different from his street address.

(d) The name and business address of each organizer executing the certificate.

(e) The name and business address of each initial general partner.

(f) That the limited partnership thereafter will be a registered limited-liability limited partnership.

(g) Any other information that the limited partnership wishes to include.

2. The certificate of registration must be executed by the vote necessary to amend the partnership agreement or, in the case of a partnership agreement that expressly considers contribution obligations, the vote necessary to amend those provisions.

3. The Secretary of State shall register as a registered limited-liability limited partnership any limited partnership that submits a completed certificate of registration with the required fee.

4. The registration of a registered limited-liability limited partnership is effective at the time of the filing of the certificate of registration.

Sec. 87.2. *1. The name proposed for a registered limited-liability limited partnership must contain the words "Limited-Liability Limited Partnership" or "Registered Limited-Liability Limited Partnership" or the abbreviation "L.L.L.P." or "LLLP" as the last words or letters of the name and must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If the name of the registered limited-liability limited partnership on a certificate of registration of limited-liability limited partnership submitted to the Secretary of State is not distinguishable from any name on file or reserved name, the Secretary of State shall return the certificate to the person who signed it, unless the written, acknowledged consent to the same name of the holder of the name on file or reserved name to use the name accompanies the certificate.*

2. The Secretary of State shall not accept for filing any certificate of registration or any certificate of amendment of a certificate of registration of any registered limited-liability limited partnership formed or existing pursuant to the laws of this state which provides that the name of the registered limited-liability limited partnership contains the words "unit-owners' association" or "homeowners' association" or if it appears in the certificate of registration or certificate of amendment that the purpose of the registered limited-liability limited partnership is to operate as a unit-owners' association pursuant to chapter 116 of NRS unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the registered limited-liability limited partnership has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities pursuant to NRS 116.31158; and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or

the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The name of a registered limited-liability limited partnership whose right to transact business has been forfeited, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 87.3. *1. The registration of a registered limited-liability limited partnership is effective until:*

(a) Its certificate of registration is revoked pursuant to NRS 88.405; or

(b) The registered limited-liability limited partnership files with the Secretary of State a written notice of withdrawal executed by a general partner. The notice must be accompanied by a fee of $60.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a registered limited-liability limited partnership which is a unit-owners' association as defined in NRS 116.110315 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the registered limited-liability limited partnership to be in default. If, after the registered limited-liability limited partnership is deemed to be in default, the Administrator notifies the Secretary of State that the registered limited-liability limited partnership has registered pursuant to NRS 116.31158 and paid the fees pursuant to NRS 116.31155, the Secretary of State shall reinstate the registered limited-liability limited partnership if the registered limited-liability limited partnership complies with the requirements for reinstatement as provided in this section and NRS 87.510 and 87.530.

Sec. 87.4. *The status of a limited partnership as a registered limited-liability limited partnership, and the liability of its partners, are not affected by errors in the information contained in a certificate of registration or an annual list required to be filed with the Secretary of State, or by changes after the filing of such a certificate or list in the information contained in the certificate or list.*

Sec. 87.5. *1. Notwithstanding any provision in a partnership agreement that may have existed before a limited partnership became a registered limited-liability limited partnership pursuant to section 87.1 of this act, if a registered limited-liability limited partnership incurs a debt or liability:*

(a) The debt or liability is solely the responsibility of the registered limited-liability limited partnership; and

(b) A partner of a registered limited-liability limited partnership is not individually liable for the debt or liability by way of acting as a partner.

2. For purposes of this section, the failure of a registered limited-liability limited partnership to observe the formalities or requirements relating to the management of the registered limited-liability limited partnership, in and of

itself, is not sufficient to establish grounds for imposing personal liability on a partner for a debt or liability of the registered limited-liability limited partnership.

Sec. 87.6. *1. Except as otherwise provided by specific statute, no partner of a registered limited-liability limited partnership is individually liable for a debt or liability of the registered limited-liability limited partnership, unless the partner acts as the alter ego of the registered limited-liability limited partnership.*

2. A partner acts as the alter ego of a registered limited-liability limited partnership if:

(a) The registered limited-liability limited partnership is influenced and governed by the partner;

(b) There is such unity of interest and ownership that the registered limited-liability limited partnership and the partner are inseparable from each other; and

(c) Adherence to the fiction of a separate entity would sanction fraud or promote a manifest injustice.

3. The question of whether a partner acts as the alter ego of a registered limited-liability limited partnership must be determined by the court as a matter of law.

Sec. 87.7. *To the extent permitted by the law of that jurisdiction:*

1. A limited partnership, including a registered limited-liability limited partnership, formed and existing under this chapter, may conduct its business, carry on its operations, and exercise the powers granted by this chapter in any state, territory, district or possession of the United States or in any foreign country.

2. The internal affairs of a limited partnership, including a registered limited-liability limited partnership, formed and existing under this chapter, including the liability of partners for debts, obligations and liabilities of or chargeable to the partnership, are governed by the laws of this state.

Sec. 87.8. *The name of a foreign registered limited-liability limited partnership that is doing business in this state must contain the words "Limited-Liability Limited Partnership" or "Registered Limited-Liability Limited Partnership" or the abbreviations "L.L.L.P." or "LLLP," or such other words or abbreviations as may be required or authorized by the laws of the other jurisdiction, as the last words or letters of the name.*

Sec. 88. *1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.*

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 89. *1. Each foreign limited partnership doing business in this state shall, on or before the last day of the month after the filing of its application for registration as a foreign limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this state occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:*

(a) The name of the foreign limited partnership;

(b) The file number of the foreign limited partnership, if known;

(c) The names of all its general partners;

(d) The address, either residence or business, of each general partner;

(e) The name and address of its resident agent in this state; and

(f) The signature of a general partner of the foreign limited partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited partnership:

(a) Has complied with the provisions of chapter 364A of NRS; and

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $125.

4. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign limited partnership which is required to comply with the provisions of sections 89 to 95, inclusive, of this act, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited partnership to receive the forms does not excuse it from the penalty imposed by the provisions of sections 89 to 95, inclusive, of this act.

5. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date must be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 90. *If a foreign limited partnership has filed the initial or annual list in compliance with section 89 of this act and has paid the appropriate fee*

for the filing, the cancelled check or other proof of payment received by the foreign limited partnership constitutes a certificate authorizing it to transact its business within this state until the last day of the month in which the anniversary of its qualification to transact business occurs in the next succeeding calendar year.

Sec. 91. *1. Each list required to be filed under the provisions of sections 89 to 95, inclusive, of this act must, after the name of each managing partner listed thereon, set forth the address, either residence or business, of each managing partner.*

2. If the addresses are not stated for each person on any list offered for filing, the Secretary of State may refuse to file the list, and the foreign limited partnership for which the list has been offered for filing is subject to all the provisions of sections 89 to 95, inclusive, of this act relating to failure to file the list within or at the times therein specified, unless a list is subsequently submitted for filing which conforms to the provisions of this section.

Sec. 92. *1. Each foreign limited partnership required to make a filing and pay the fee prescribed in sections 89 to 95, inclusive, of this act which refuses or neglects to do so within the time provided is in default.*

2. For default there must be added to the amount of the fee a penalty of $50, and unless the filing is made and the fee and penalty are paid on or before the last day of the month in which the anniversary date of the foreign limited partnership occurs, the defaulting foreign limited partnership by reason of its default forfeits its right to transact any business within this state. The fee and penalty must be collected as provided in this chapter.

Sec. 93. *1. The Secretary of State shall notify, by providing written notice to its resident agent, each foreign limited partnership deemed in default pursuant to section 92 of this act. The written notice:*

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of the filing of the certificate of limited partnership occurs, the Secretary of State shall compile a complete list containing the names of all foreign limited partnerships whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its resident agent, each foreign limited partnership specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

Sec. 94. *1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited partnership its right to*

transact business in this state, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State a list as provided in sections 89 and 91 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in sections 89 and 92 of this act for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited partnership, he shall issue to the foreign limited partnership a certificate of reinstatement if the foreign limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited partnership to transact business in this state has been forfeited pursuant to the provisions of section 93 of this act and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

Sec. 95. *1. Except as otherwise provided in subsection 2, if a foreign limited partnership applies to reinstate its certificate of registration and its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign limited partnership must in its application for reinstatement submit in writing to the Secretary of State some other name under which it desires its existence to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate the foreign limited partnership under that new name.*

2. If the applying foreign limited partnership submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying foreign limited partnership or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 95.5. NRS 88.315 is hereby amended to read as follows:

88.315 As used in this chapter, unless the context otherwise requires:

1. "Certificate of limited partnership" means the certificate referred to in NRS 88.350, and the certificate as amended or restated.

2. "Contribution" means any cash, property, services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services, which a partner contributes to a limited partnership in his capacity as a partner.

3. "Event of withdrawal of a general partner" means an event that causes a person to cease to be a general partner as provided in NRS 88.450.

4. "Foreign limited partnership" means a partnership formed under the laws of any state other than this state and having as partners one or more general partners and one or more limited partners.

5. *"Foreign registered limited-liability limited partnership" means a foreign limited-liability limited partnership:*

(a) Formed pursuant to an agreement governed by the laws of another state; and

(b) Registered pursuant to and complying with NRS 88.570 to 88.605, inclusive, and section 87.8 of this act.

6. "General partner" means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and named in the certificate of limited partnership as a general partner.

~~[6.]~~ *7.* "Limited partner" means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

~~[7.]~~ *8.* "Limited partnership" and "domestic limited partnership" mean a partnership formed by two or more persons under the laws of this state and having one or more general partners and one or more limited partners.

~~[8.]~~ *9.* "Partner" means a limited or general partner.

~~[9.]~~ *10.* "Partnership agreement" means any valid agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of its business.

~~[10.]~~ *11.* "Partnership interest" means a partner's share of the profits and losses of a limited partnership and the right to receive distributions of partnership assets.

~~[11.]~~ *12. "Registered limited-liability limited partnership" means a limited partnership:*

(a) Formed pursuant to an agreement governed by this chapter; and

(b) Registered pursuant to and complying with NRS 88.350 to 88.415, inclusive, and sections 87.1, 87.2 and 87.3 of this act.

13. "Registered office" means the office maintained at the street address of the resident agent.

~~[12.]~~ *14.* "Resident agent" means the agent appointed by the limited partnership upon whom process or a notice or demand authorized by law to be served upon the limited partnership may be served.

~~[13.]~~ *15.* "Sign" means to affix a signature to a document.

~~[14.]~~ *16.* "Signature" means a name, word or mark executed or adopted by a person with the present intention to authenticate a document. The term includes, without limitation, an electronic signature as defined in NRS 719.100.

~~[15.]~~ *17.* "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

~~[16.]~~ *18.* "Street address" of a resident agent means the actual physical location in this state at which a resident is available for service of process.

Sec. 96. NRS 88.320 is hereby amended to read as follows:

88.320 1. ~~[The]~~ *Except as otherwise provided in section 87.2 of this act, the* name proposed for a limited partnership as set forth in its certificate of limited partnership:

(a) Must contain the words "Limited Partnership," or the abbreviation "LP" or "L.P." *;*

(b) May not contain the name of a limited partner unless:

(1) It is also the name of a general partner or the corporate name of a corporate general partner; or

(2) The business of the limited partnership had been carried on under that name before the admission of that limited partner; and

(c) Must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If the name on the certificate of limited partnership submitted to the Secretary of State is not distinguishable from any name on file or reserved name, the Secretary of State shall return the certificate to the filer, unless the written, acknowledged consent to the use of the same or the requested similar name of the holder of the name on file or reserved name accompanies the certificate of limited partnership.

2. For the purposes of this section, a proposed name is not distinguished from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination ~~[of these.]~~ *thereof.*

3. *The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this state which provides that the name of the limited partnership contains the words "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the limited partnership:*

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the limited partnership is not engaged in

the practice of accounting and is not offering to practice accounting in this state.

4. The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this state which provides that the name of the limited partnership contains the word "bank" or "trust" unless:

(a) It appears from the certificate of limited partnership that the limited partnership proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and

(b) The certificate of limited partnership is first approved by the Commissioner of Financial Institutions.

5. The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the provisions of this chapter if it appears from the certificate of limited partnership that the business to be carried on by the limited partnership is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions, unless the certificate of limited partnership is approved by the Commissioner who will supervise the business of the limited partnership.

6. Except as otherwise provided in subsection 5, the Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this state which provides that the name of the limited partnership contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the limited partnership are licensed to practice engineering pursuant to the laws of this state; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the limited partnership is exempt from the prohibitions of NRS 625.520.

7. The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this state which provides that the name of the limited partnership contains the words "unit-owners' association" or "homeowners' association" or if it appears in the certificate of limited partnership that the purpose of the limited partnership is to operate as a unit-owners' association pursuant to chapter 116 of NRS unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the limited partnership has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities pursuant to NRS 116.31158; and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155.

8. The name of a limited partnership whose right to transact business has been forfeited, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

~~[4.]~~ *9.* The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 97. NRS 88.327 is hereby amended to read as follows:

88.327 1. Except as otherwise provided in subsection 2, if a limited partnership applies to reinstate its right to transact business but its name has been legally *reserved or* acquired by any other artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the applying limited partnership shall submit in writing to the Secretary of State some other name under which it desires its right to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall ~~[issue to the applying]~~ *reinstate the* limited partnership ~~[a certificate of reinstatement]~~ under that new name.

2. If the applying limited partnership submits the written, acknowledged consent of the other artificial person having the name, or the person who has reserved the name, that is not distinguishable from the old name of the applying limited partnership or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination ~~[of these.]~~ *thereof.*

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 97.2. NRS 88.331 is hereby amended to read as follows:

88.331 1. If a limited partnership created pursuant to this chapter desires to change its resident agent, the change may be effected by filing with the Secretary of State a certificate of change ~~[,]~~ *of resident agent,* signed by a general partner, which sets forth:

(a) The name of the limited partnership;

(b) The name and street address of its present resident agent; and

(c) The name and street address of the new resident agent.

2. The new resident agent's certificate of acceptance must be a part of or attached to the certificate of change ~~[.~~

~~3. The]~~ *of resident agent.*

3. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

4. *A* change authorized by this section becomes effective upon the filing of the *proper* certificate of change.

Sec. 97.4. NRS 88.332 is hereby amended to read as follows:

88.332 1. ~~[Any person who has been designated by a limited partnership as its]~~ *A* resident agent ~~[and who thereafter]~~ *who* desires to resign shall ~~[file]~~ *:*

(a) File with the Secretary of State a signed statement *in the manner provided pursuant to subsection 1 of NRS 78.097* that he is unwilling to continue to act as the resident agent of the limited partnership ~~[.]~~ *for the service of process; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097. A resignation is not effective until the signed statement is filed with the Secretary of State.

2. The statement of resignation may contain a statement by the affected limited partnership appointing a successor resident agent for the limited partnership. A certificate of acceptance executed by the new agent, stating the full name, complete street address and, if different from the street address, mailing address of the new agent, must accompany the statement appointing the new agent.

~~[2.]~~ *3.* Upon the filing of the statement with the Secretary of State *,* the capacity of the person as resident agent terminates. If the statement of resignation does not contain a statement by the limited partnership appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the limited partnership of the filing of the statement and the effect thereof. The notice must be addressed to a general partner of the partnership other than the resident agent.

~~[3.]~~ *4.* If a designated resident agent dies, resigns or removes from the State, the limited partnership, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance, executed by the new resident agent. The certificate must set forth the full name, complete street address and, if different from the street address, mailing address of the newly designated resident agent.

~~[4.]~~ *5.* Each limited partnership which fails to file a certificate of acceptance executed by the new resident agent within 30 days after the death, resignation or removal of its resident agent as provided in subsection ~~[3]~~ *4* shall be deemed in default and is subject to the provisions of NRS 88.400 and 88.405.

Sec. 97.6. NRS 88.335 is hereby amended to read as follows:

88.335 1. A limited partnership shall keep at the office referred to in paragraph (a) of subsection 1 of NRS 88.330 the following:

(a) A current list of the full name and last known business address of each partner *,* separately identifying the general partners in alphabetical order and the limited partners in alphabetical order;

(b) A copy of the certificate of limited partnership and all certificates of amendment thereto, together with executed copies of any powers of attorney pursuant to which any certificate has been executed;

(c) Copies of the limited partnership's federal, state, and local income tax returns and reports, if any, for the 3 most recent years;

(d) Copies of any then effective written partnership agreements ~~[and]~~ *;*

(e) Copies of any financial statements of the limited partnership for the 3 most recent years; and

~~[(e)]~~ *(f)* Unless contained in a written partnership agreement, a writing setting out:

(1) The amount of cash and a description and statement of the agreed value of the other property or services contributed by each partner and which each partner has agreed to contribute;

(2) The times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made;

(3) Any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution; and

(4) Any events upon the happening of which the limited partnership is to be dissolved and its affairs wound up.

2. *In lieu of keeping at an office in this state the information required in paragraphs (a), (c), (e) and (f) of subsection 1, the limited partnership may keep a statement with the resident agent setting out the name of the custodian of the information required in paragraphs (a), (c), (e) and (f) of subsection 1, and the present and complete post office address, including street and number, if any, where the information required in paragraphs (a), (c), (e) and (f) of subsection 1 is kept.*

3. Records kept pursuant to this section are subject to inspection and copying at the reasonable request, and at the expense, of any partner during ordinary business hours.

Sec. 97.8. NRS 88.339 is hereby amended to read as follows:

88.339 1. A limited partnership may correct a document filed by the Secretary of State with respect to the limited partnership if the document contains an inaccurate record of a partnership action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the limited partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited partnership;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by a general partner of the limited partnership.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of ~~[$150]~~ *$175* to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 98. NRS 88.340 is hereby amended to read as follows:

88.340 The Secretary of State may microfilm *or image* any document which is filed in his office by or relating to a limited partnership pursuant to this chapter and may return the original document to the filer.

Sec. 98.5. NRS 88.350 is hereby amended to read as follows:

88.350 1. In order to form a limited partnership, a certificate of limited partnership must be executed and filed in the Office of the Secretary of State. The certificate must set forth:

(a) The name of the limited partnership;

(b) The address of the office which contains records and the name and address of the resident agent required to be maintained by NRS 88.330;

(c) The name and ~~[the]~~ business address of each ~~[general partner;]~~ *organizer executing the certificate;*

(d) *The name and business address of each initial general partner;*

(e) The latest date upon which the limited partnership is to dissolve; and

~~[(e)]~~ *(f)* Any other matters the ~~[general partners]~~ *organizers* determine to include therein.

2. A certificate of acceptance of appointment of a resident agent, executed by the agent, must be filed with the certificate of limited partnership.

3. A limited partnership is formed at the time of the filing of the certificate of limited partnership and the certificate of acceptance in the Office of the Secretary of State or at any later time specified in the certificate of limited partnership if, in either case, there has been substantial compliance with the requirements of this section.

Sec. 99. NRS 88.360 is hereby amended to read as follows:

88.360 A certificate of limited partnership must be cancelled upon the dissolution and the commencement of winding up of the partnership or at any other time there are no limited partners. A certificate of cancellation must be filed in the Office of the Secretary of State and set forth:

1. The name of the limited partnership;

2. ~~[The date of filing of its certificate of limited partnership;~~

~~3.]~~ The reason for filing the certificate of cancellation;

~~[4.]~~ *3.* The effective date, which must be a date certain, of cancellation if it is not to be effective upon the filing of the certificate; and

~~[5.]~~ *4.* Any other information the general partners filing the certificate determine.

Sec. 100. NRS 88.395 is hereby amended to read as follows:

88.395 1. A limited partnership shall, on or before the ~~[first]~~ *last* day of the ~~[second]~~ *first* month after the filing of its certificate of limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The ~~[mailing or street]~~ address, either residence or business, of each general partner;

(e) The name and ~~[street]~~ address of the *lawfully designated* resident agent of the limited partnership; and

(f) The signature of a general partner of the limited partnership certifying that the list is true, complete and accurate.

Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of chapter 364A of NRS ~~[.~~

~~2. Upon]~~ *and which acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.*

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, ~~[the limited partnership shall]~~ pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual list required by subsection 1, ~~[the limited partnership shall]~~ pay to the Secretary of State a fee of ~~[$85.]~~ *$125.*

3. *A registered limited-liability limited partnership shall, upon filing:*

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $175.

4. If a general partner of a limited partnership resigns and the resignation is not made in conjunction with the filing of an annual or amended list of general partners, the limited partnership shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each limited partnership *which is* required to comply with the provisions of this section *, and* which has not become delinquent *,* a notice of the fee due pursuant to the provisions of subsection 2 *or 3, as appropriate,* and a reminder to file the

annual list. Failure of any limited partnership to receive a notice or form does not excuse it from the penalty imposed by NRS 88.400.

~~[4.]~~ *6.* If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 *or 3* is not paid, the Secretary of State may return the list for correction or payment.

~~[5.]~~ *7.* An annual list for a limited partnership not in default that is received by the Secretary of State more than ~~[60]~~ *90* days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

~~[6.]~~ *8.* A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

Sec. 101. NRS 88.400 is hereby amended to read as follows:

88.400 1. If a limited partnership has filed the list in compliance with NRS 88.395 and has paid the appropriate fee for the filing, the cancelled check *or other proof of payment* received by the limited partnership constitutes a certificate authorizing it to transact its business within this state until the anniversary date of the filing of its certificate of limited partnership in the next succeeding calendar year. ~~[If the limited partnership desires a formal certificate upon its payment of the annual fee, its payment must be accompanied by a self-addressed, stamped envelope.]~~

2. Each limited partnership which refuses or neglects to file the list and pay the fee within the time provided is in default.

3. *Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a limited partnership which is a unit-owners' association as defined in NRS 116.110315 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the limited partnership to be in default. If, after the limited partnership is deemed to be in default, the Administrator notifies the Secretary of State that the limited partnership has registered pursuant to NRS 116.31158 and paid the fees pursuant to NRS 116.31155, the Secretary of State shall reinstate the limited partnership if the limited partnership complies with the requirements for reinstatement as provided in this section and NRS 88.350 to 88.415, inclusive.*

4. For default there must be added to the amount of the fee a penalty of ~~[$50,]~~ *$75* and unless the filings are made and the fee and penalty are paid on or before the first day of the first anniversary of the month following the month in which filing was required, the defaulting limited partnership, by reason of its default, forfeits its right to transact any business within this state.

Sec. 102. NRS 88.405 is hereby amended to read as follows:

88.405 1. The Secretary of State shall notify, by ~~[letter addressed]~~ *providing written notice* to its resident agent, each defaulting limited partnership. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

2. Immediately after the first day of the first anniversary of the month following the month in which filing was required, the certificate of the limited partnership is revoked.

3. The Secretary of State shall compile a complete list containing the names of all limited partnerships whose right to ~~[do]~~ *transact* business has been forfeited.

4. The Secretary of State shall notify, by ~~[letter addressed]~~ *providing written notice* to its resident agent, each limited partnership *specified in subsection 3* of the revocation of its certificate. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

~~[3.]~~ *(b) At the request of the resident agent, may be provided electronically.*

5. In case of revocation of the certificate and of the forfeiture of the right to transact business thereunder, all the property and assets of the defaulting domestic limited partnership are held in trust by the general partners, and the same proceedings may be had with respect thereto as for the judicial dissolution of a limited partnership. Any person interested may institute proceedings at any time after a forfeiture has been declared, but if the Secretary of State reinstates the limited partnership *,* the proceedings must at once be dismissed and all property restored to the general partners.

Sec. 103. NRS 88.410 is hereby amended to read as follows:

88.410 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State ~~[may:~~

~~(a) Reinstate]~~ *shall reinstate* any limited partnership which has forfeited *or which forfeits* its right to transact business ~~[; and~~

~~(b) Restore]~~ *under the provisions of this chapter and restore* to the limited partnership its right to carry on business in this state, and to exercise its privileges and immunities ~~[,~~

~~upon the filing]~~ *if it:*

(a) Files with the Secretary of State ~~[of the]~~ *:*

(1) The list required pursuant to NRS 88.395 ~~[, and upon payment]~~ *; and*

(2) A certificate of acceptance of appointment signed by the resident agent; and

(b) Pays to the Secretary of State ~~[of the]~~ *:*

(1) The filing fee and penalty set forth in NRS 88.395 and 88.400 for each year or portion thereof during which the certificate has been revoked ~~[, and a]~~ *; and*

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. When ~~[payment is made and]~~ the Secretary of State reinstates the limited partnership *,* ~~[to its former rights,]~~ he shall ~~[:~~

~~(a) Immediately issue and deliver to the limited partnership a certificate of reinstatement authorizing it to transact business as if the filing fee had been paid when due; and~~

~~(b) Upon demand,~~] issue to the limited partnership ~~[one or more certified copies of the~~] *a* certificate of reinstatement ~~[.]~~ *if the limited partnership:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation occurred only by reason of failure to pay the fees and penalties.

4. If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

Sec. 103.3. NRS 88.415 is hereby amended to read as follows:

88.415 The Secretary of State, for services relating to his official duties and the records of his office, shall charge and collect the following fees:

1. For filing a certificate of limited partnership, or for registering a foreign limited partnership, ~~[$175.]~~ *$75.*

2. For filing a certificate of *registration of limited-liability limited partnership, or for registering a foreign registered limited-liability limited partnership, $100.*

3. For filing a certificate of amendment of limited partnership or restated certificate of limited partnership, ~~[$150.~~

~~3.]~~ *$175.*

4. For filing a certificate of a change of location of the records office of a limited partnership or the office of its resident agent, or a designation of a new resident agent, ~~[$30.~~

~~4.]~~ *$60.*

5. For certifying a certificate of limited partnership, an amendment to the certificate, or a certificate as amended where a copy is provided, ~~[$20]~~ *$30* per certification.

~~[5.]~~ *6.* For certifying an authorized printed copy of the limited partnership law, ~~[$20.~~

~~6.]~~ *$30.*

7. For reserving a limited partnership name, or for executing, filing or certifying any other document, ~~[$20.~~

~~7.]~~ *$25.*

8. For copies made at the Office of the Secretary of State, ~~[$1]~~ *$2* per page.

~~[8.]~~ *9.* For filing a certificate of cancellation of a limited partnership, ~~[$60.]~~ *$75.*

Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 103.5. NRS 88.535 is hereby amended to read as follows:

88.535 1. On application to a court of competent jurisdiction by any judgment creditor of a partner, the court may charge the partnership interest of the partner with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the partnership interest.

2. ~~[The court may appoint a receiver of the share of the distributions due or to become due to the judgment debtor in respect of the partnership. The receiver has only the rights of an assignee. The court may make all other orders, directions, accounts and inquiries that the judgment debtor might have made or which the circumstances of the case may require.~~

~~3. A charging order constitutes a lien on the partnership interest of the judgment debtor. The court may order a foreclosure of the partnership interest subject to the charging order at any time. The purchaser at the foreclosure sale has only the rights of an assignee.~~

~~4. Unless otherwise provided in the articles of organization or operating agreement, at any time before foreclosure, a partnership interest charged may be redeemed:~~

~~(a) By the judgment debtor;~~

~~(b) With property other than property of the limited partnership, by one or more of the other partners; or~~

~~(c) By the limited partnership with the consent of all of the partners whose interests are not so charged.~~

~~5.~~] This section ~~[provides]~~ *:*

(a) Provides the exclusive remedy by which a judgment creditor of a partner or an assignee of a partner may satisfy a judgment out of the partnership interest of the judgment debtor.

~~[6. No creditor of a partner has any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the limited partnership.~~

~~7. This section does~~]

(b) Does not deprive any partner of the benefit of any exemption laws applicable to his partnership interest.

Sec. 103.7. NRS 88.585 is hereby amended to read as follows:

88.585 ~~[A]~~ *Except as otherwise provided in section 87.8 of this act, a* foreign limited partnership may register with the Secretary of State under any name, whether or not it is the name under which it is registered in its state of organization, that includes without abbreviation the words "limited partnership" and that could be registered by a domestic limited partnership.

Sec. 104. NRS 88.595 is hereby amended to read as follows:

88.595 A foreign limited partnership may cancel its registration by filing with the Secretary of State a certificate of cancellation signed by a general partner. The certificate must set forth:

1. The name of the foreign limited partnership;

2. ~~[The date upon which its certificate of registration was filed;~~

~~3.~~] The reason for filing the certificate of cancellation;

~~[4.]~~ *3.* The effective date of the cancellation if other than the date of the filing of the certificate of cancellation; and

~~[5.]~~ *4.* Any other information deemed necessary by the general partners of the partnership. A cancellation does not terminate the authority of the Secretary of State to accept service of process on the foreign limited partnership with respect to causes of action arising out of the transactions of business in this state.

Sec. 105. Chapter 88A of NRS is hereby amended by adding thereto the provisions set forth as sections 106 to 113, inclusive, of this act.

Sec. 106. *1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.*

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 107. *1. Each foreign business trust doing business in this state shall, on or before the last day of the month after the filing of its application for registration as a foreign business trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this state occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:*

(a) The name of the foreign business trust;

(b) The file number of the foreign business trust, if known;

(c) The name of at least one of its trustees;

(d) The address, either residence or business, of the trustee listed pursuant to paragraph (c);

(e) The name and address of its resident agent in this state; and

(f) The signature of a trustee of the foreign business trust certifying that the list is true, complete and accurate.

2. Each list required to be filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign business trust:

(a) Has complied with the provisions of chapter 364A of NRS; and

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign business trust shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign business trust shall pay to the Secretary of State a fee of $125.

4. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign business trust which is required to comply with the provisions of sections 107 to 113, inclusive, of this act, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign business trust to receive the forms does not excuse it from the penalty imposed by the provisions of sections 107 to 113, inclusive, of this act.

5. An annual list for a foreign business trust not in default which is received by the Secretary of State more than 90 days before its due date must be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 108. *If a foreign business trust has filed the initial or annual list in compliance with section 107 of this act and has paid the appropriate fee for the filing, the cancelled check or other proof of payment received by the foreign business trust constitutes a certificate authorizing it to transact its business within this state until the last day of the month in which the anniversary of its qualification to transact business occurs in the next succeeding calendar year.*

Sec. 109. *1. Each list required to be filed under the provisions of sections 107 to 113, inclusive, of this act must, after the name of each trustee listed thereon, set forth the address, either residence or business, of each trustee.*

2. If the addresses are not stated for each person on any list offered for filing, the Secretary of State may refuse to file the list, and the foreign business trust for which the list has been offered for filing is subject to all the provisions of sections 107 to 113, inclusive, of this act relating to failure to file the list within or at the times therein specified, unless a list is subsequently submitted for filing which conforms to the provisions of this section.

Sec. 110. *1. Each foreign business trust required to make a filing and pay the fee prescribed in sections 107 to 113, inclusive, of this act which refuses or neglects to do so within the time provided is in default.*

2. For default there must be added to the amount of the fee a penalty of $50, and unless the filing is made and the fee and penalty are paid on or before the last day of the month in which the anniversary date of the foreign business trust occurs, the defaulting foreign business trust by reason of its

default forfeits its right to transact any business within this state. The fee and penalty must be collected as provided in this chapter.

Sec. 111. *1. The Secretary of State shall notify, by providing written notice to its resident agent, each foreign business trust deemed in default pursuant to section 110 of this act. The written notice:*

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of the filing of the certificate of trust occurs, the Secretary of State shall compile a complete list containing the names of all foreign business trusts whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its resident agent, each foreign business trust specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

Sec. 112. *1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign business trust which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign business trust its right to transact business in this state, and to exercise its privileges and immunities, if it:*

(a) Files with the Secretary of State a list as provided in sections 107 and 109 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in sections 107 and 110 of this act for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign business trust, he shall issue to the foreign business trust a certificate of reinstatement if the foreign business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign business trust to transact business in this state has been forfeited pursuant to the provisions of section 111 of this act and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 113. *1. Except as otherwise provided in subsection 2, if a foreign business trust applies to reinstate its certificate of trust and its name has*

been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the foreign business trust must submit in writing in its application for reinstatement to the Secretary of State some other name under which it desires its existence to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall reinstate the foreign business trust under that new name.

2. If the applying foreign business trust submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying foreign business trust or a new name it has submitted, it may be reinstated under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 114. NRS 88A.220 is hereby amended to read as follows:

88A.220 1. A certificate of trust may be amended by filing with the Secretary of State a certificate of amendment signed by at least one trustee. The certificate of amendment must set forth:

(a) The name of the business trust; and

(b) The amendment to the certificate of trust.

2. A certificate of trust may be restated by integrating into a single instrument all the provisions of the original certificate, and all amendments to the certificate, which are then in effect or are to be made by the restatement. The restated certificate of trust must be so designated in its heading, must be signed by at least one trustee and must set forth:

(a) The present name of the business trust ~~[and, if the name has been changed, the name under which the business trust was originally formed;~~

~~(b) The date of filing of the original certificate of trust;~~

~~(c)]~~ *;*

(b) The provisions of the original certificate of trust, and all amendments to the certificate, which are then in effect; and

~~[(d)]~~ *(c)* Any further amendments to the certificate of trust.

3. A certificate of trust may be amended or restated at any time for any purpose determined by the trustees.

Sec. 115. NRS 88A.420 is hereby amended to read as follows:

88A.420 A certificate of trust must be cancelled upon the completion or winding up of the business trust and its termination. A certificate of cancellation must be signed by a trustee, filed with the Secretary of State, and set forth:

1. The name of the business trust;

2. ~~[The date of filing of its certificate of trust;~~

~~3.]~~ A future effective date of the certificate of cancellation, if it is not to be effective upon filing, which may not be more than 90 days after the certificate is filed; and

~~[4.]~~ *3.* Any other information the trustee determines to include.

Sec. 116. NRS 88A.530 is hereby amended to read as follows:

88A.530 1. A resident agent who desires to resign shall ~~[file]~~ *:*

(a) File with the Secretary of State a signed statement ~~[for each business trust for which]~~ *in the manner provided pursuant to subsection 1 of NRS 78.097 that* he is unwilling to continue to act ~~[.]~~ *as the resident agent of the business trust for the service of process; and*

(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.

A resignation is not effective until the signed statement is ~~[so filed.]~~ *filed with the Secretary of State.*

2. The statement of resignation may contain a statement of the affected business trust appointing a successor resident agent. A certificate of acceptance executed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.

3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the business trust appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the business trust of the filing of the statement of resignation and its effect. The notice must be addressed to a trustee of the business trust other than the resident agent.

4. If its resident agent dies, resigns or removes from the State, a business trust, within 30 days thereafter, shall file with the Secretary of State a certificate of acceptance executed by a new resident agent. The certificate must set forth the full name and complete street address of the new resident agent, and may contain a mailing address, such as a post office box, different from the street address.

5. A business trust that fails to file a certificate of acceptance executed by its new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the provisions of NRS 88A.630 to 88A.660, inclusive.

Sec. 117. NRS 88A.540 is hereby amended to read as follows:

88A.540 1. If a business trust formed pursuant to this chapter desires to change its resident agent, the change may be effected by filing with the Secretary of State a certificate of change ~~[,]~~ *of resident agent,* signed by at least one trustee of the business trust, setting forth:

(a) The name of the business trust;

(b) The name and street address of the present resident agent; and

(c) The name and street address of the new resident agent.

2. A certificate of acceptance executed by the new resident agent must be a part of or attached to the certificate of change ~~[~~.

~~3. The]~~ *of resident agent.*

3. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:

(a) File with the Secretary of State a certificate of name change of resident agent that includes:

(1) The current name of the resident agent as filed with the Secretary of State;

(2) The new name of the resident agent; and

(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and

(b) Pay to the Secretary of State a filing fee of $100.

4. A change authorized by this section becomes effective upon the filing of the *proper* certificate of change.

Sec. 118. NRS 88A.600 is hereby amended to read as follows:

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the ~~[first]~~ *last* day of the ~~[second]~~ *first* month after the filing of its certificate of trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list signed by at least one trustee that contains the name and mailing address of its *lawfully designated* resident agent and at least one trustee. Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the business trust ~~[has]~~ *:*

(a) Has complied with the provisions of chapter 364A of NRS ~~[.]~~ *; and*

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Upon filing:

(a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[$85.]~~ *$125.*

3. *If a trustee of a business trust resigns and the resignation is not made in conjunction with the filing of an annual or amended list of trustees, the business trust shall pay to the Secretary of State a fee of $75 to file the resignation of the trustee.*

4. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each business trust

which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of a business trust to receive the forms does not excuse it from the penalty imposed by law.

~~[4.]~~ *5.* An annual list for a business trust not in default which is received by the Secretary of State more than ~~[60]~~ *90* days before its due date shall be deemed an amended list for the previous year.

Sec. 119. NRS 88A.610 is hereby amended to read as follows:

88A.610 When the fee for filing the annual list has been paid, the cancelled check *or other proof of payment* received by the business trust constitutes a certificate authorizing it to transact its business within this state until the last day of the month in which the anniversary of the filing of its certificate of trust occurs in the next succeeding calendar year. ~~[If the business trust desires a formal certificate upon its payment of the annual fee, its payment must be accompanied by a self-addressed, stamped envelope.]~~

Sec. 120. NRS 88A.620 is hereby amended to read as follows:

88A.620 1. Each list required to be filed pursuant to the provisions of NRS 88A.600 to 88A.660, inclusive, must, after the name of each trustee listed thereon, set forth his ~~[post office box or street]~~ address, either residence or business.

2. If the addresses are not stated on a list offered for filing, the Secretary of State may refuse to file the list, and the business trust for which the list has been offered for filing is subject to all the provisions of NRS 88A.600 to 88A.660, inclusive, relating to failure to file the list when or at the times therein specified, unless a list is subsequently submitted for filing which conforms to the provisions of those sections.

Sec. 121. NRS 88A.630 is hereby amended to read as follows:

88A.630 1. Each business trust required to file the list and pay the fee prescribed in NRS 88A.600 to 88A.660, inclusive, which refuses or neglects to do so within the time provided shall be deemed in default.

2. For default, there must be added to the amount of the fee a penalty of ~~[$50.]~~ *$75.* The fee and penalty must be collected as provided in this chapter.

Sec. 122. NRS 88A.640 is hereby amended to read as follows:

88A.640 1. The Secretary of State shall notify, by ~~[letter addressed]~~ *providing written notice* to its resident agent, each business trust deemed in default pursuant to the provisions of this chapter. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

(b) At the request of the resident agent, may be provided electronically.

2. Immediately after the first day of the first anniversary of the month following the month in which the filing was required, the certificate of trust of the business trust is revoked and its right to transact business is forfeited.

3. The Secretary of State shall compile a complete list containing the names of all business trusts whose right to ~~[do]~~ *transact* business has been forfeited. ~~[He]~~

4. The Secretary of State shall forthwith notify ~~[each such business trust, by letter addressed]~~ *, by providing written notice* to its resident agent, *each business trust specified in subsection 3* of the revocation of its certificate of trust. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

~~[4.]~~ *(b) At the request of the resident agent, may be provided electronically.*

5. If the certificate of trust is revoked and the right to transact business is forfeited, all the property and assets of the defaulting business trust must be held in trust by its trustees as for insolvent business trusts, and the same proceedings may be had with respect thereto as are applicable to insolvent business trusts. Any person interested may institute proceedings at any time after a forfeiture has been declared, but if the Secretary of State reinstates the certificate of trust, the proceedings must at once be dismissed.

Sec. 123. NRS 88A.650 is hereby amended to read as follows:

88A.650 1. Except as otherwise provided in ~~[subsection 3,]~~ *subsections 3 and 4,* the Secretary of State shall reinstate a business trust which has forfeited *or which forfeits* its right to transact business pursuant to the provisions of this chapter and *shall* restore to the business trust its right to carry on business in this state, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State ~~[the]~~ *:*

(1) The list required by NRS 88A.600; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.600 and 88A.630 for each year or portion thereof during which its certificate of trust was revoked; and

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. When the Secretary of State reinstates the business trust, he shall ~~[:~~

~~(a) Immediately issue and deliver to the business trust a certificate of reinstatement authorizing it to transact business as if the filing fee had been paid when due; and~~

~~(b) Upon demand,]~~ issue to the business trust ~~[one or more certified copies of the]~~ *a* certificate of reinstatement ~~[.]~~ *if the business trust:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the

certificate of trust occurred only by reason of the failure to file the list or pay the fees and penalties.

4. If a certificate of business trust has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the certificate must not be reinstated.

Sec. 124. NRS 88A.660 is hereby amended to read as follows:

88A.660 1. Except as otherwise provided in subsection 2, if a certificate of trust is revoked pursuant to the provisions of this chapter and the name of the business trust has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the business trust shall submit in writing to the Secretary of State some other name under which it desires to be reinstated. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall ~~[issue to]~~ *reinstate* the business trust ~~[a certificate of reinstatement]~~ under that new name.

2. If the defaulting business trust submits the written, acknowledged consent of the artificial person using a name, or the person who has reserved a name, which is not distinguishable from the old name of the business trust or a new name it has submitted, it may be reinstated under that name.

Sec. 125. NRS 88A.710 is hereby amended to read as follows:

88A.710 Before transacting business in this state, a foreign business trust shall register with the Secretary of State. In order to register, a foreign business trust shall submit to the Secretary of State an application for registration as a foreign business trust, signed by a trustee, and a signed certificate of acceptance of a resident agent. The application for registration must set forth:

1. The name of the foreign business trust and, if different, the name under which it proposes to register and transact business in this state;

2. The state and date of its formation;

3. The name and address of the resident agent whom the foreign business trust elects to appoint;

4. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign business trust; and

5. The name and ~~[business]~~ address *, either residence or business,* of one trustee.

Sec. 126. NRS 88A.740 is hereby amended to read as follows:

88A.740 A foreign business trust may cancel its registration by filing with the Secretary of State a certificate of cancellation signed by a trustee. The certificate must set forth:

1. The name of the foreign business trust;

2. ~~[The date upon which its certificate of registration was filed;~~

~~3.]~~ The effective date of the cancellation if other than the date of the filing of the certificate of cancellation; and

~~[4.]~~ *3.* Any other information deemed necessary by the trustee. A cancellation does not terminate the authority of the Secretary of State to accept service of process on the foreign business trust with respect to causes of action arising out of the transaction of business in this state.

Sec. 127. NRS 88A.900 is hereby amended to read as follows:

88A.900 The Secretary of State shall charge and collect the following fees for:

1. Filing an original certificate of trust, or for registering a foreign business trust, ~~[$175.]~~ *$75.*

2. Filing an amendment or restatement, or a combination thereof, to a certificate of trust, ~~[$150.]~~ *$175.*

3. Filing a certificate of cancellation, ~~[$175.]~~ *$75.*

4. Certifying a copy of a certificate of trust or an amendment or restatement, or a combination thereof, ~~[$20]~~ *$30* per certification.

5. Certifying an authorized printed copy of this chapter, ~~[$20.]~~ *$30.*

6. Reserving a name for a business trust, ~~[$20.]~~ *$25.*

7. Executing a certificate of existence of a business trust which does not list the previous documents relating to it, or a certificate of change in the name of a business trust, ~~[$40.]~~ *$50.*

8. Executing a certificate of existence of a business trust which lists the previous documents relating to it, ~~[$40.~~

~~9. Filing a statement of change of address of the registered office for each business trust, $30.~~

~~10.]~~ *$50.*

9. Filing a statement of change of the ~~[registered agent, $30.~~

~~11.]~~ *resident agent, $60.*

10. Executing, certifying or filing any certificate or document not otherwise provided for in this section, ~~[$40.~~

~~12.]~~ *$50.*

11. Examining and provisionally approving a document before the document is presented for filing, ~~[$100.~~

~~13.]~~ *$125.*

12. Copying a document on file with him, for each page, ~~[$1.]~~ *$2.*

Sec. 128. NRS 88A.930 is hereby amended to read as follows:

88A.930 1. A business trust may correct a document filed by the Secretary of State with respect to the business trust if the document contains an inaccurate record of a trust action described in the document or was defectively executed, attested, sealed, verified or acknowledged.

2. To correct a document, the business trust must:

(a) Prepare a certificate of correction that:

(1) States the name of the business trust;

(2) Describes the document, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the document in an accurate or corrected form; and

(5) Is signed by a trustee of the business trust.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of ~~[$150]~~ *$175* to the Secretary of State.

3. A certificate of correction is effective on the effective date of the document it corrects except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, the certificate is effective when filed.

Sec. 129. Chapter 89 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 130. NRS 89.040 is hereby amended to read as follows:

89.040 1. One or more persons may organize a professional corporation in the manner provided for organizing a private corporation pursuant to chapter 78 of NRS. Each person organizing the corporation must, except as otherwise provided in subsection 2 of NRS 89.050, be authorized to perform the professional service for which the corporation is organized. The articles of incorporation must contain the following additional information:

(a) The profession to be practiced by means of the professional corporation.

(b) The names and ~~[post office boxes or street]~~ addresses, either residence or business, of the original stockholders and directors of the professional corporation.

(c) Except as otherwise provided in paragraph (d) of this subsection, a certificate from the regulating board of the profession to be practiced showing that each of the directors, and each of the stockholders who is a natural person, is licensed to practice the profession.

(d) For a professional corporation organized pursuant to this chapter and practicing pursuant to the provisions of NRS 623.349, a certificate from the

regulating board or boards of the profession or professions to be practiced showing that control and two-thirds ownership of the corporation is held by persons registered or licensed pursuant to the applicable provisions of chapter 623, 623A or 625 of NRS. As used in this paragraph, "control" has the meaning ascribed to it in NRS 623.349.

2. The corporate name of a professional corporation must contain the words "Professional Corporation" or the abbreviation "Prof. Corp.," *"P.C." or "PC,"* or the word "Chartered" or *the abbreviation "Chtd.," or* "Limited" or the abbreviation "Ltd." The corporate name must contain the last name of one or more of its stockholders. The corporation may render professional services and exercise its authorized powers under a fictitious name if the corporation has first registered the name in the manner required by chapter 602 of NRS.

Sec. 131. NRS 89.210 is hereby amended to read as follows:

89.210 1. Within 30 days after the organization of a professional association under this chapter, the association shall file with the Secretary of State a copy of the articles of association, duly executed, and shall pay at that time a filing fee of ~~[$175. Any such association formed as a common-law association before July 1, 1969, shall file, within 30 days after July 1, 1969, a certified copy of its articles of association, with any amendments thereto, with the Secretary of State, and shall pay at that time a filing fee of $25.]~~ *$75.* A copy of any amendments to the articles of association ~~[adopted after July 1, 1969,]~~ must also be filed with the Secretary of State within 30 days after the adoption of such amendments. Each copy of amendments so filed must be certified as true and correct and be accompanied by a filing fee of ~~[$150.]~~ *$175.*

2. The name of such a professional association must contain the words "Professional Association," "Professional Organization" or the abbreviations "Prof. Ass'n" or "Prof. Org." The association may render professional services and exercise its authorized powers under a fictitious name if the association has first registered the name in the manner required under chapter 602 of NRS.

Sec. 132. NRS 89.250 is hereby amended to read as follows:

89.250 1. Except as otherwise provided in subsection 2, a professional association shall, on or before the ~~[first]~~ *last* day of the ~~[second]~~ *first* month after the filing of its articles of association with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the Secretary of State showing the names and ~~[residence]~~ addresses *, either residence or business,* of all members and employees in the *professional* association and certifying that all members and employees are licensed to render professional service in this state.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, on or before the ~~[first]~~ *last* day of the ~~[second]~~ *first* month after the filing of its articles of association

with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the Secretary of State:

(a) Showing the names and ~~[residence]~~ addresses *, either residence or business,* of all members and employees of the *professional* association who are licensed or otherwise authorized by law to render professional service in this state;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this state; and

(c) Certifying that all members who are not licensed to render professional service in this state do not render professional service on behalf of the *professional* association except as authorized by law.

3. Each statement filed pursuant to this section must be:

(a) Made on a form prescribed by the Secretary of State and must not contain any fiscal or other information except that expressly called for by this section.

(b) Signed by the chief executive officer of the *professional* association.

(c) Accompanied by a declaration under penalty of perjury that the professional association ~~[has]~~ *:*

(1) Has complied with the provisions of chapter 364A of NRS ~~[.]~~ *; and*

(2) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial statement required by this section, the *professional* association shall pay to the Secretary of State a fee of ~~[$165.]~~ *$125.*

(b) Each annual statement required by this section, the *professional* association shall pay to the Secretary of State a fee of ~~[$85.]~~ *$125.*

5. As used in this section, "signed" means to have executed or adopted a name, word or mark, including, without limitation, an electronic signature as defined in NRS 719.100, with the present intention to authenticate a document.

Sec. 133. NRS 89.252 is hereby amended to read as follows:

89.252 1. Each professional association that is required to make a filing and pay the fee prescribed in NRS 89.250 but refuses to do so within the time provided is in default.

2. For default, there must be added to the amount of the fee a penalty of ~~[$50.]~~ *$75.* The fee and penalty must be collected as provided in this chapter.

Sec. 134. NRS 89.254 is hereby amended to read as follows:

89.254 1. The Secretary of State shall ~~[notify by letter]~~ *provide written notice to* each professional association which is in default pursuant to the provisions of NRS 89.252. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

(b) At the request of the professional association, may be provided electronically.

2. On the first day of the ~~[ninth]~~ *first anniversary of the* month following the month in which the filing was required, the articles of association of the professional association is revoked and its right to transact business is forfeited.

3. The Secretary of State shall compile a complete list containing the names of all professional associations whose right to ~~[do]~~ *transact* business has been forfeited.

4. The Secretary of State shall forthwith notify each ~~[such]~~ *professional* association *specified in subsection 3* by ~~[letter]~~ *providing written notice* of the forfeiture of its right to transact business. The *written* notice ~~[must be accompanied by]~~ *:*

(a) Must include a statement indicating the amount of the filing fee, penalties *incurred* and costs remaining unpaid.

~~[4.]~~ *(b) At the request of the professional association, may be provided electronically.*

5. If the articles of association of a professional association are revoked and the right to transact business is forfeited, all the property and assets of the defaulting *professional* association must be held in trust by its members, as for insolvent corporations, and the same proceedings may be had with respect to its property and assets as apply to insolvent corporations. Any interested person may institute proceedings at any time after a forfeiture has been declared, but if the Secretary of State reinstates the articles of association the proceedings must be dismissed and all property restored to the members of the professional association.

~~[5.]~~ *6.* If the assets of the *professional* association are distributed, they must be applied to:

(a) The payment of the filing fee, penalties and costs due to the State; and

(b) The payment of the creditors of the *professional* association.

Any balance remaining must be distributed as set forth in the articles of association or, if no such provisions exist, among the members of the *professional* association.

Sec. 135. NRS 89.256 is hereby amended to read as follows:

89.256 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any professional association which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this state and exercise its privileges and immunities if it:

(a) Files with the Secretary of State ~~[the]~~ *:*

(1) The statement and certification required by NRS 89.250; *and*

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 89.250 and 89.252 for each year or portion thereof during which the articles of association have been revoked; and

(2) A fee of ~~[$200]~~ *$300* for reinstatement.

2. When the Secretary of State reinstates the *professional* association *,* ~~[to its former rights,]~~ he shall ~~[:~~

~~(a) Immediately issue and deliver to the association a certificate of reinstatement authorizing it to transact business, as if the fees had been paid when due; and~~

~~(b) Upon demand,]~~ issue to the *professional* association a ~~[certified copy of the]~~ certificate of reinstatement ~~[.]~~ *if the professional association:*

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the ~~[association's]~~ articles of association occurred only by reason of ~~[its]~~ *the* failure to pay the fees and penalties.

4. If the articles of association of a professional association have been revoked pursuant to the provisions of this chapter and have remained revoked for 10 consecutive years, the articles must not be reinstated.

Sec. 136. Chapter 92A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each document filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.

2. The Secretary of State may refuse to file a document which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the document.

3. If the provisions of the form prescribed by the Secretary of State conflict with the provisions of any document that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to the information that is required by statute to appear in the document in order for the document to be filed; and

(b) Unless otherwise provided in the document, the provisions of the document control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of documents with the Office of the Secretary of State.

Sec. 137. NRS 92A.190 is hereby amended to read as follows:

92A.190 1. One or more foreign entities may merge or enter into an exchange of owner's interests with one or more domestic entities if:

(a) In a merger, the merger is permitted by the law of the jurisdiction under whose law each foreign entity is organized and governed and each foreign entity complies with that law in effecting the merger;

(b) In an exchange, the entity whose owner's interests will be acquired is a domestic entity, whether or not an exchange of owner's interests is permitted by the law of the jurisdiction under whose law the acquiring entity is organized;

(c) The foreign entity complies with NRS 92A.200 to 92A.240, inclusive, if it is the surviving entity in the merger or acquiring entity in the exchange and sets forth in the articles of merger or exchange its address where copies of process may be sent by the Secretary of State; and

(d) Each domestic entity complies with the applicable provisions of NRS 92A.100 to 92A.180, inclusive, and, if it is the surviving entity in the merger or acquiring entity in the exchange, with NRS 92A.200 to 92A.240, inclusive.

2. When the merger or exchange takes effect, the surviving foreign entity in a merger and the acquiring foreign entity in an exchange shall be deemed:

(a) To appoint the Secretary of State as its agent for service of process in a proceeding to enforce any obligation or the rights of dissenting owners of each domestic entity that was a party to the merger or exchange. Service of such process must be made by personally delivering to and leaving with the Secretary of State duplicate copies of the process and the payment of a fee of ~~[$50]~~ *$100* for accepting and transmitting the process. The Secretary of State shall forthwith send by registered or certified mail one of the copies to the surviving or acquiring entity at its specified address, unless the surviving or acquiring entity has designated in writing to the Secretary of State a different address for that purpose, in which case it must be mailed to the last address so designated.

(b) To agree that it will promptly pay to the dissenting owners of each domestic entity that is a party to the merger or exchange the amount, if any, to which they are entitled under or created pursuant to NRS 92A.300 to 92A.500, inclusive.

3. This section does not limit the power of a foreign entity to acquire all or part of the owner's interests of one or more classes or series of a domestic entity through a voluntary exchange or otherwise.

Sec. 138. NRS 92A.195 is hereby amended to read as follows:

92A.195 1. One foreign entity or foreign general partnership may convert into one domestic entity if:

(a) The conversion is permitted by the law of the jurisdiction governing the foreign entity or foreign general partnership and the foreign entity or foreign general partnership complies with that law in effecting the conversion;

(b) The foreign entity or foreign general partnership complies with the applicable provisions of NRS 92A.205 and, if it is the resulting entity in the conversion, with NRS 92A.210 to 92A.240, inclusive; and

(c) The domestic entity complies with the applicable provisions of NRS 92A.105, 92A.120, 92A.135, 92A.140 and 92A.165 and, if it is the resulting entity in the conversion, with NRS 92A.205 to 92A.240, inclusive.

2. When the conversion takes effect, the resulting foreign entity in a conversion shall be deemed to have appointed the Secretary of State as its agent for service of process in a proceeding to enforce any obligation. Service of process must be made personally by delivering to and leaving with the Secretary of State duplicate copies of the process and the payment of a fee of ~~[$25]~~ *$100* for accepting and transmitting the process. The Secretary of State shall send one of the copies of the process by registered or certified mail to the resulting entity at its specified address, unless the resulting entity has designated in writing to the Secretary of State a different address for that purpose, in which case it must be mailed to the last address so designated.

Sec. 139. NRS 92A.200 is hereby amended to read as follows:

92A.200 After a plan of merger or exchange is approved as required by this chapter, the surviving or acquiring entity shall deliver to the Secretary of State for filing articles of merger or exchange setting forth:

1. The name and jurisdiction of organization of each constituent entity;

2. That a plan of merger or exchange has been adopted by each constituent entity ~~[:]~~ *or the parent domestic entity only, if the merger is pursuant to NRS 92A.180;*

3. If approval of the owners of one or more constituent entities was not required, a statement to that effect and the name of each entity;

4. If approval of owners of one or more constituent entities was required, the name of each entity and a statement for each entity that:

(a) The plan was approved by the required consent of the owners; or

(b) A plan was submitted to the owners pursuant to this chapter including:

(1) The designation, percentage of total vote or number of votes entitled to be cast by each class of owner's interests entitled to vote separately on the plan; and

(2) Either the total number of votes or percentage of owner's interests cast for and against the plan by the owners of each class of interests entitled to vote separately on the plan or the total number of undisputed votes or undisputed total percentage of owner's interests cast for the plan separately by the owners of each class, and the number of votes or percentage of owner's interests cast for the plan by the owners of each class of interests was sufficient for approval by the owners of that class;

5. In the case of a merger, the amendment, if any, to the articles of incorporation, articles of organization, certificate of limited partnership or certificate of trust of the surviving entity, which amendment may be set forth in the articles of merger as a specific amendment or in the form of:

(a) Amended and restated articles of incorporation;

(b) Amended and restated articles of organization;

(c) An amended and restated certificate of limited partnership; or

(d) An amended and restated certificate of trust, or attached in that form as an exhibit; and

6. If the entire plan of merger or exchange is not set forth, a statement that the complete executed plan of merger or plan of exchange is on file at

the registered office if a corporation, limited-liability company or business trust, or office described in paragraph (a) of subsection 1 of NRS 88.330 if a limited partnership, or other place of business of the surviving entity or the acquiring entity, respectively. Any of the terms of the plan of merger, conversion or exchange may be made dependent upon facts ascertainable outside of the plan of merger, conversion or exchange, provided that the plan of merger, conversion or exchange clearly and expressly sets forth the manner in which such facts shall operate upon the terms of the plan. As used in this section, the term "facts" includes, without limitation, the occurrence of an event, including a determination or action by a person or body, including a constituent entity.

Sec. 140. NRS 92A.205 is hereby amended to read as follows:

92A.205 1. After a plan of conversion is approved as required by this chapter, if the resulting entity is a domestic entity, the constituent entity shall deliver to the Secretary of State for filing:

(a) Articles of conversion setting forth:

(1) The name and jurisdiction of organization of the constituent entity and the resulting entity; and

(2) That a plan of conversion has been adopted by the constituent entity in compliance with the law of the jurisdiction governing the constituent entity.

(b) The following constituent document of the domestic resulting entity:

(1) If the resulting entity is a domestic corporation, the articles of incorporation *to be* filed in compliance with chapter 78 *, 78A, 82* or 89 of NRS, as applicable;

(2) If the resulting entity is a domestic limited partnership, the certificate of limited partnership *to be* filed in compliance with chapter 88 of NRS;

(3) If the resulting entity is a domestic limited-liability company, the articles of organization *to be* filed in compliance with chapter 86 of NRS; or

(4) If the resulting entity is a domestic business trust, the certificate of trust *to be* filed in compliance with chapter 88A of NRS.

(c) A certificate of acceptance of appointment of a resident agent for the resulting entity which is executed by the resident agent.

2. After a plan of conversion is approved as required by this chapter, if the resulting entity is a foreign entity, the constituent entity shall deliver to the Secretary of State for filing articles of conversion setting forth:

(a) The name and jurisdiction of organization of the constituent entity and the resulting entity;

(b) That a plan of conversion has been adopted by the constituent entity in compliance with the laws of this state; and

(c) The address of the resulting entity where copies of process may be sent by the Secretary of State.

3. If the entire plan of conversion is not set forth in the articles of conversion, the filing party must include in the articles of conversion a

statement that the complete executed plan of conversion is on file at the registered office or principal place of business of the resulting entity or, if the resulting entity is a domestic limited partnership, the office described in paragraph (a) of subsection 1 of NRS 88.330.

4. If the conversion takes effect on a later date specified in the articles of conversion pursuant to NRS 92A.240, the constituent document filed with the Secretary of State pursuant to paragraph (b) of subsection 1 must state the name and the jurisdiction of the constituent entity and that the existence of the resulting entity does not begin until the later date.

5. Any documents filed with the Secretary of State pursuant to this section must be accompanied by the fees required pursuant to this title for filing the constituent document.

Sec. 141. NRS 92A.210 is hereby amended to read as follows:

92A.210 1. Except as otherwise provided in this section, the fee for filing articles of merger, articles of conversion, articles of exchange, articles of domestication or articles of termination is ~~[$325.]~~ *$350.* The fee for filing the constituent documents of a domestic resulting entity is the fee for filing the constituent documents determined by the chapter of NRS governing the particular domestic resulting entity.

2. The fee for filing articles of merger of two or more domestic corporations is the difference between the fee computed at the rates specified in NRS 78.760 upon the aggregate authorized stock of the corporation created by the merger and the fee computed upon the aggregate amount of the total authorized stock of the constituent corporation.

3. The fee for filing articles of merger of one or more domestic corporations with one or more foreign corporations is the difference between the fee computed at the rates specified in NRS 78.760 upon the aggregate authorized stock of the corporation created by the merger and the fee computed upon the aggregate amount of the total authorized stock of the constituent corporations which have paid the fees required by NRS 78.760 and 80.050.

4. The fee for filing articles of merger of two or more domestic or foreign corporations must not be less than ~~[$325.]~~ *$350.* The amount paid pursuant to subsection 3 must not exceed ~~[$25,000.]~~ *$35,000.*

Sec. 142. NRS 14.020 is hereby amended to read as follows:

14.020 1. Every corporation, limited-liability company, limited-liability partnership, limited partnership, *limited-liability limited partnership,* business trust and municipal corporation created and existing under the laws of any other state, territory, or foreign government, or the Government of the United States, doing business in this state shall appoint and keep in this state a resident agent who resides or is located in this state, upon whom all legal process and any demand or notice authorized by law to be served upon it may be served in the manner provided in subsection 2. The corporation, limited-liability company, limited-liability partnership, limited partnership, *limited-liability limited partnership,* business trust or municipal corporation shall file

with the Secretary of State a certificate of acceptance of appointment signed by its resident agent. The certificate must set forth the full name and address of the resident agent. ~~[The]~~ *A* certificate *of change of resident agent* must be ~~[renewed]~~ *filed* in the manner provided in title 7 of NRS ~~[whenever a change is made in the appointment or a vacancy occurs in the agency.]~~ *if the corporation, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation desires to change its resident agent. A certificate of name change of resident agent must be filed in the manner provided in title 7 of NRS if the name of a resident is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment.*

2. All legal process and any demand or notice authorized by law to be served upon the foreign corporation, limited-liability company, limited-liability partnership, limited partnership, *limited-liability limited partnership,* business trust or municipal corporation may be served upon the resident agent personally or by leaving a true copy thereof with a person of suitable age and discretion at the address shown on the current certificate of acceptance filed with the Secretary of State.

3. Subsection 2 provides an additional mode and manner of serving process, demand or notice and does not affect the validity of any other service authorized by law.

Sec. 143. NRS 104.9525 is hereby amended to read as follows:

104.9525 1. Except as otherwise provided in subsection 5, the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection 2 of NRS 104.9502, is:

(a) ~~[Twenty]~~ *Forty* dollars if the record is communicated in writing and consists of one or two pages;

(b) ~~[Forty]~~ *Sixty* dollars if the record is communicated in writing and consists of more than two pages, and ~~[$1]~~ *$2* for each page over 20 pages;

(c) ~~[Ten]~~ *Twenty* dollars if the record is communicated by another medium authorized by filing-office rule; and

(d) ~~[One dollar]~~ *Two dollars* for each additional debtor, trade name or reference to another name under which business is done.

2. The filing officer may charge and collect ~~[$1]~~ *$2* for each page of copy or record of filings produced by him at the request of any person.

3. Except as otherwise provided in subsection 5, the fee for filing and indexing an initial financing statement of the kind described in subsection 3 of NRS 104.9502 is:

(a) ~~[Forty]~~ *Sixty* dollars if the financing statement indicates that it is filed in connection with a public-finance transaction; and

(b) ~~[Twenty]~~ *Forty* dollars if the financing statement indicates that it is filed in connection with a manufactured-home transaction.

4. The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is:

(a) ~~[Twenty]~~ *Forty* dollars if the request is communicated in writing; and

(b) ~~[Fifteen]~~ *Twenty* dollars if the request is communicated by another medium authorized by filing-office rule.

5. This section does not require a fee with respect to a mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 3 of NRS 104.9502. However, the fees for recording and satisfaction which otherwise would be applicable to the mortgage apply.

Sec. 144. NRS 105.070 is hereby amended to read as follows:

105.070 1. The Secretary of State or county recorder shall mark any security instrument and any statement of change, merger or consolidation presented for filing with the day and hour of filing and the file number assigned to it. This mark is, in the absence of other evidence, conclusive proof of the time and fact of presentation for filing.

2. The Secretary of State or county recorder shall retain and file all security instruments and statements of change, merger or consolidation presented for filing.

3. The uniform fee for filing and indexing a security instrument, or a supplement or amendment thereto, and a statement of change, merger or consolidation, and for stamping a copy of those documents furnished by the secured party or the public utility, to show the date and place of filing is ~~[$15]~~ *$40* if the document is in the standard form prescribed by the Secretary of State and otherwise is ~~[$20, plus $1]~~ *$50, plus $2* for each additional debtor or trade name.

Sec. 145. NRS 105.080 is hereby amended to read as follows:

105.080 Upon the request of any person, the Secretary of State shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective security instrument naming a particular public utility, and if there is, giving the date and hour of filing of the instrument and the names and addresses of each secured party. The uniform fee for such a certificate is ~~[$15]~~ *$40* if the request for the certificate is in the standard form prescribed by the Secretary of State and otherwise is ~~[$20.]~~ *$50.* Upon request the Secretary of State or a county recorder shall furnish a copy of any filed security instrument upon payment of the statutory fee for copies.

Sec. 146. NRS 116.3101 is hereby amended to read as follows:

116.3101 *1.* A unit-owners' association must be organized no later than the date the first unit in the common-interest community is conveyed.

2. The membership of the association at all times consists exclusively of all units' owners or, following termination of the common-interest community, of all owners of former units entitled to distributions of proceeds under NRS 116.2118, 116.21183 and 116.21185, or their heirs, successors or assigns.

3. The association must ~~[be]~~ *:*

(a) Be organized as a profit or nonprofit corporation, trust or partnership ~~[.]~~ *;*

(b) Include in its articles of incorporation, certificate of registration or certificates of limited partnership, or any certificate of amendment thereof, that the purpose of the corporation is to operate as an association pursuant to this chapter;

(c) Contain in its name the words "homeowners' association" or "unit-owners' association"; and

(d) Comply with the provisions of chapters 78, 82, 87 and 88 of NRS when filing articles of incorporation, certificates of registration or certificates of limited partnership, or any certificate of amendment thereof, with the Secretary of State.

Sec. 147. NRS 225.140 is hereby amended to read as follows:

225.140 1. Except as otherwise provided in subsection 2, in addition to other fees authorized by law, the Secretary of State shall charge and collect the following fees:

~~[For a copy of any law, joint resolution, transcript of record, or other paper on file or of record in his office, other than a document required to be filed pursuant to title 24 of NRS, per page $1.00~~

~~For a copy of any document required to be filed pursuant to title 24 of NRS, per page .50]~~

For certifying to ~~[any such]~~ *a* copy *of any law, joint resolution, transcript of record or other paper on file or of record with the Secretary of State, including, but not limited to, a document required to be filed pursuant to title 24 of NRS,* and use of the State Seal, for each impression ~~[10.00]~~ *$20*

For each passport or other document signed by the Governor and attested by the Secretary of State ~~[10.00]~~ *10*

~~[For a negotiable instrument returned unpaid 10.00]~~

2. The Secretary of State:

(a) Shall charge a reasonable fee for searching records and documents kept in his office.

(b) May charge or collect any filing or other fees for services rendered by him to the State of Nevada, any local governmental agency or agency of the Federal Government, or any officer thereof in his official capacity or respecting his office or official duties.

(c) May not charge or collect a filing or other fee for:

(1) Attesting extradition papers or executive warrants for other states.

(2) Any commission or appointment issued or made by the Governor, either for the use of the State Seal or otherwise.

(d) May charge a reasonable fee, not to exceed:

(1) Five hundred dollars, for providing service within 2 hours after the time the service is requested; and

(2) One hundred *twenty-five* dollars, for providing any other special service, including, but not limited to, providing service more than 2 hours but

within 24 hours after the time the service is requested, accepting documents filed by facsimile machine and other use of new technology.

(e) Shall charge a fee, not to exceed the actual cost to the Secretary of State, for providing:

(1) A copy of any record kept in his office that is stored on a computer or on microfilm if the copy is provided on a tape, disc or other medium used for the storage of information by a computer or on duplicate film.

(2) Access to his computer database on which records are stored.

3. From each fee collected pursuant to paragraph (d) of subsection 2:

(a) The entire amount or ~~[$50,]~~ *$62.50,* whichever is less, of the fee collected pursuant to subparagraph (1) of that paragraph and half of the fee collected pursuant to subparagraph (2) of that paragraph must be deposited with the State Treasurer for credit to the Account for Special Services of the Secretary of State in the State General Fund. Any amount remaining in the Account at the end of a fiscal year in excess of $2,000,000 must be transferred to the State General Fund. Money in the Account may be transferred to the Secretary of State's operating general fund budget account and must only be used to create and maintain the capability of the Office of the Secretary of State to provide special services, including, but not limited to, providing service:

(1) On the day it is requested or within 24 hours; or

(2) Necessary to increase or maintain the efficiency of the Office. Any transfer of money from the Account for expenditure by the Secretary of State must be approved by the Interim Finance Committee.

(b) After deducting the amount required pursuant to paragraph (a), the remainder must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 148. Chapter 364A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Department has reasonable cause to believe that any person has failed to comply with the provisions of NRS 364A.130, the Department may issue an order directed to the person to show cause why the Department should not order the person to cease and desist from conducting a business in this state. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Department determines that the person has failed to comply with the provisions of NRS 364A.130 or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Department may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the person at the hearing. If the Department determines in the report that such failure has occurred, the Department may order the violator to:

(a) Cease and desist from conducting a business in this state; and

(b) Pay the costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Department free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have failed to comply with the provisions of NRS 364A.130. The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Department may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) There has been a failure to comply with the provisions of NRS 364A.130;

(b) The proceedings by the Department concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and

(c) The findings of the Department are supported by the weight of the evidence, the court shall issue an order enforcing the provisions of the order of the Department.

6. An order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Department of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Department's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

Sec. 149. NRS 364A.130 is hereby amended to read as follows:

364A.130 1. Except as otherwise provided in subsection ~~[6,]~~ *8,* a person shall not conduct a business in this state unless he has a business license issued by the Department.

2. The application for a business license must:

(a) Be made upon a form prescribed by the Department;

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business;

(c) Declare the estimated number of employees for the previous calendar quarter;

(d) Be accompanied by a fee of ~~[$25;]~~ *$50;* and

(e) Include any other information that the Department deems necessary.

3. The application must be signed by:

(a) The owner, if the business is owned by a natural person;

(b) A member or partner, if the business is owned by an association or partnership; or

(c) An officer or some other person specifically authorized to sign the application, if the business is owned by a corporation.

4. If the application is signed pursuant to paragraph (c) of subsection 3, written evidence of the signer's authority must be attached to the application.

5. *A person who has been issued a business license by the Department shall submit a fee of $50 to the Department on or before the last day of the month in which the anniversary date of issuance of the business license occurs in each year, unless the person submits a written statement to the Department, at least 10 days before the anniversary date, indicating that the person will not be conducting business in this state after the anniversary date. A person who fails to submit the annual fee required pursuant to this subsection in a timely manner shall pay a penalty in the amount of $75 in addition to the annual fee.*

6. The business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

7. For the purposes of this chapter, a person shall be deemed to conduct a business in this state if a business for which the person is responsible:

(a) Is incorporated pursuant to chapter 78 or 78A of NRS;

(b) Has an office or other base of operations in this state; or

(c) Pays wages or other remuneration to a natural person who performs in this state any of the duties for which he is paid.

~~[6.]~~ *8.* A person who takes part in a trade show or convention held in this state for a purpose related to the conduct of a business is not required to obtain a business license specifically for that event.

Sec. 150. NRS 364A.160 is hereby repealed.

Sec. 151. The Secretary of State is hereby authorized, without obtaining further approval, to hire such additional personnel as are necessary to carry out the provisions of this act.

Sec. 152. 1. This section and sections 1 to 5, inclusive, 6 to 24.3, inclusive, 25 to 45, inclusive, 47 to 52.5, inclusive, 53 to 65.3, inclusive, 66 to 82.3, inclusive, 83 to 97, inclusive, 97.6 to 115, inclusive, 118 to 141, inclusive, and 143 to 151, inclusive, of this act become effective on October 1, 2003.

2. Sections 5.3, 24.7, 46, 52.7, 65.7, 82.7, 97.4 and 116 of this act become effective:

(a) Except as otherwise provided in paragraph (b) or paragraph (b) of subsection 3, on October 1, 2003.

(b) On January 1, 2004, for the purpose of requiring a resident agent who desires to resign to file a statement of resignation for each artificial person formed, organized, registered or qualified pursuant to the provisions of title 7 of NRS for which the resident agent is unwilling to continue to act as the resident agent for the service of process.

3. Sections 5.7, 24.7, 65.5, 82.5, 97.2, 117 and 142 of this act become effective:

(a) Except as otherwise provided in paragraph (b) or paragraph (b) of subsection 2, on October 1, 2003.

(b) On January 1, 2004, for the purpose of requiring a resident agent to file a certificate of name change of resident agent if the name of the resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment.

TEXT OF REPEALED SECTION

364A.160 Exemption for natural person with no employees during calendar quarter. A natural person who does not employ any employees during a calendar quarter is exempt from the provisions of this chapter for that calendar quarter.”.

Amend the title of the bill to read as follows:

“AN ACT relating to business; providing for the implementation, modification and standardization of certain filing requirements for business entities; changing the exclusive remedy by which a judgment creditor of a member of a limited-liability company or a limited partnership may satisfy a judgment; increasing certain fees and establishing new fees; providing for the issuance of an order to cease and desist for failure to comply with certain provisions pertaining to business licenses; repealing the exemption from business tax provisions for a natural person who does not employ employees during a calendar quarter; authorizing the Secretary of State to hire additional personnel; making various other changes to provisions pertaining to business entities; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions pertaining to business. (BDR 7-454)”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment No. 672 to Assembly Bill No. 536.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 770.

Amend sec. 148, pages 119 and 120, by deleting lines 2 through 45 on page 119 and lines 1 through 18 on page 120, and inserting: “thereto the provisions set forth as sections 148.3 and 148.7 of this act.”.

Amend the bill as a whole by adding new sections designated sections 148.3 and 148.7, following sec. 148, to read as follows:

"Sec. 148.3. *1. If the Department has reasonable cause to believe that any person has failed to comply with the provisions of NRS 364A.130, the Department may issue an order directed to the person to show cause why the Department should not order the person to cease and desist from conducting a business in this state. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.*

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Department determines that the person has failed to comply with the provisions of NRS 364A.130 or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Department may make a written report of its findings of fact concerning the violation and cause to be served a copy thereof upon the person at the hearing. If the Department determines in the report that such failure has occurred, the Department may order the violator to:

(a) Cease and desist from conducting a business in this state; and

(b) Pay the costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Department free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have failed to comply with the provisions of NRS 364A.130.

The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Department may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) There has been a failure to comply with the provisions of NRS 364A.130;

(b) The proceedings by the Department concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and

(c) The findings of the Department are supported by the weight of the evidence,

the court shall issue an order enforcing the provisions of the order of the Department.

6. An order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Department of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Department's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

Sec. 148.7. *A person described in NRS 612.144 is exempt from the provisions of this chapter.*".

Amend the title of the bill, ninth line, after "licenses;" by inserting: "providing that persons selling or soliciting the sale of products in certain circumstances are exempt from business tax provisions;".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment No. 770 to Assembly Bill No. 536.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 898.

Amend sec. 144, page 116, by deleting lines 40 through 44 and inserting: "those documents furnished by the secured party or the public utility to show the date and place of filing is:

(a) ~~[Twenty]~~ *Forty* dollars if the record is communicated in writing and consists of one or two pages;

(b) ~~[Forty]~~ *Sixty* dollars if the record is communicated in writing and consists of more than two pages, and ~~[$1]~~ *$2* for each page over 20 pages;

(c) ~~[Ten]~~ *Twenty* dollars if the record is communicated by another medium authorized by filing-office rule; and

(d) ~~[One dollar]~~ *Two dollars* for each additional debtor, trade name or reference to another name under which business is done.".

Amend sec. 145, page 117, by deleting lines 2 through 12 and inserting:

"105.080 1. Upon the request of any person, the Secretary of State shall issue his certificate showing whether there is on file, on the date and hour stated therein, any presently effective security instrument naming a particular public utility and, if there is, giving the date and hour of filing of the instrument and the names and addresses of each secured party. The uniform fee for such a certificate is:

(a) ~~[Twenty]~~ *Fifty* dollars if the request is communicated in writing; and

(b) ~~[Fifteen]~~ *Forty* dollars if the request is communicated by another medium authorized by filing-office rule.

2. Upon request, the Secretary of State or a county recorder shall furnish a copy of any filed security instrument upon payment of the statutory fee for copies.".

Amend the bill as a whole by deleting sec. 151 and adding:

"Sec. 151. (Deleted by amendment.)".

Amend sec. 152, page 122, line 11, by deleting "and 143" and inserting: "143 and 146".

Amend sec. 152, page 122, after line 30, by inserting:

"4. Sections 144 and 145 of this act become effective at 12:01 a.m. on October 1, 2003.".

Amend the title of the bill, fourteenth and fifteenth lines, by deleting: "authorizing the Secretary of State to hire additional personnel;".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment No. 898 to Assembly Bill No. 536.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:33 p.m.

ASSEMBLY IN SESSION

At 1:36 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 326.

The following Senate amendment was read:

Amendment No. 844.

Amend section 1, page 3, line 27, by deleting "*separate*".

Amend section 1, page 3, by deleting lines 31 through 36.

Amend section 1, page 3, line 37, by deleting "*(d)*" and inserting "*(c)*".

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 326.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 57.

The following Senate amendment was read:

Amendment No. 581.

Amend the bill as a whole by deleting sec. 3 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective:

1. On July 1, 2003, for the purposes of the State Public Works Board adopting the seismic provisions and standards specified in section 1 of this act; and

2. On July 1, 2004, for all other purposes, including for the purpose of a governing body to amend its building codes to include the seismic provisions and standards specified in subsection 5 of NRS 278.580, as amended by section 2 of this act.".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 57.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 355.

The following Senate amendment was read:

Amendment No. 769.

Amend sec. 3, page 2, by deleting lines 13 through 18 and inserting:

"*(a) In consultation with affected local governmental entities, designate a preferred airport or other preferred facility for the takeoff and landing of commercial helicopters.*

(b) In consultation with the advisory committee on aircraft noise described in NRS 244.414, recommend technological modifications and other measures that may be taken by the owners of commercial helicopters to reduce the noise that is emitted and generated by such helicopters.

(c) Submit to the Federal Aviation Administration suggestions that the Administration may consider for new and alternative flight paths for commercial helicopters to eliminate or minimize the flight of such helicopters over residential areas.".

Amend sec. 3, page 2, line 23, by deleting "*an urban*" and inserting "*a residential*".

Amend sec. 3, page 2, by deleting lines 31 through 33 and inserting:

"*3. As used in this section, "residential area" means land that is:*

(a) Being used primarily for one- or two-family dwellings or apartments; and

(b) Located adjacent to or near other residentially used land.".

Amend sec. 4, page 2, by deleting line 40 and inserting:

"*(b) Complies substantially with the technological modifications and other measures that are recommended pursuant to".*

Amend sec. 4, page 3, by deleting line 24 and inserting: "*complying substantially with the technological modifications and other measures that are recommended pursuant to".*

Amend sec. 4, page 3, by deleting lines 28 and 29 and inserting:

"*(2) Provide proof of that substantial compliance.".*

Amend sec. 6, page 4, line 6, by deleting *"law; or"* and inserting *"law;".*

Amend sec. 6, page 4, line 8, by deleting *"state."* and inserting*:*
"state; or

(c) Preclude the construction or operation of a heliport which is part of the preferred airport or other preferred facility designated pursuant to paragraph (a) of subsection 1 of section 3 of this act.".

Amend the title of the bill to read as follows:

"AN ACT relating to aeronautics; requiring the board of county commissioners of certain larger counties to designate a preferred airport or other preferred facility for the takeoff and landing of certain commercial helicopters, to make recommendations regarding noise-reducing technological modifications and other measures and to submit to the Federal Aviation Administration certain suggestions regarding new and alternative flight paths for such helicopters; establishing a program for the temporary exemption from personal property taxation of certain commercial helicopters that use the designated preferred airport or other preferred facility or comply substantially with the recommendations relating to noise reduction; establishing a temporary moratorium on the construction or operation of new heliports; and providing other matters properly relating thereto.".

Amend the bill as a whole by adding the following Senator as a primary joint sponsor: Senator Coffin.

Assemblyman Manendo moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 355.

Remarks by Assemblyman Manendo.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388.

The following Senate amendment was read:

Amendment No. 848.

Amend the bill as a whole by renumbering sections 9 through 11 as sections 10 through 12 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. NRS 287.0475 is hereby amended to read as follows:

287.0475 1. A public employee who has retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, or a retirement program provided pursuant to NRS 286.802, or the surviving spouse of such a retired public employee who is deceased may, in any even-numbered year, reinstate any insurance, except life insurance, which was provided to him and his dependents at the time of his retirement pursuant to NRS 287.010 or 287.020 *or section 2 of this act* or the Program as a public employee by:

(a) Giving written notice of his intent to reinstate the insurance to the employee's last public employer not later than January 31, of an even-numbered year;

(b) Accepting the public employer's current program or plan of insurance and any subsequent changes thereto; and

(c) Paying any portion of the premiums or contributions of the public employer's program or plan of insurance, in the manner set forth in NRS 1A.470 or 286.615, which are due from the date of reinstatement and not paid by the public employer.

The last public employer shall give the insurer notice of the reinstatement no later than March 31, of the year in which the public employee or surviving spouse gives notice of his intent to reinstate the insurance. The insurer shall approve or disapprove the request for reinstatement within 90 days after the date of the request.

2. Reinstatement of insurance excludes claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 6 months before reinstatement unless:

(a) The person has not received any medical advice, treatment or consultation for a period of 6 consecutive months after the reinstatement; or

(b) The reinstated insurance has been in effect more than 12 consecutive months.".

Amend sec. 10, page 8, line 16, by deleting "9," and inserting "10,".

Assemblyman Manendo moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 388.

Remarks by Assemblyman Manendo.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 459.

The following Senate amendment was read:

Amendment No. 765.

Amend sec. 4, page 4, line 28, by deleting "*A violation*" and inserting: "*Unless a greater penalty is provided by NRS 239.330, a violation*".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 459.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Horne moved that the Assembly do not recede from its action on Senate Bill No. 59, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Horne.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Manendo, Koivisto, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 59.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 220.

The following Senate amendment was read:

Amendment No. 801.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 10 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 624.010, 624.020 and section 3 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Construction control" has the meaning ascribed to it in NRS 627.050.*

Sec. 4. *1. In addition to any other requirements set forth in this chapter, if an applicant will engage in residential construction and the applicant or the natural person qualifying on behalf of the applicant pursuant to NRS 624.260 has not held a contractor's license issued pursuant to this chapter within the 2 years immediately preceding the date that the application is submitted to the Board, the Board shall require the applicant to establish his financial responsibility by submitting to the Board:*

(a) A financial statement that is prepared by an independent certified public accountant; and

(b) Any other information required by the Board.

2. Before the Board may issue a contractor's license to the applicant, the Board must determine whether, based on the financial information concerning the applicant, it would be in the public interest to do any or all of the following:

(a) Require the applicant to obtain the services of a construction control with respect to any money that the applicant requires a purchaser of a new residence to pay in advance to make upgrades to the new residence. If the Board imposes such a requirement, the applicant may not:

(1) Be related to the construction control or to an employee or agent of the construction control; or

(2) Hold, directly or indirectly, a financial interest in the business of the construction control.

(b) Establish an aggregate monetary limit on the contractor's license, which must be the maximum combined monetary limit on all contracts that the applicant may undertake or perform as a licensed contractor at any one

time, regardless of the number of contracts, construction sites, subdivision sites or clients. If the Board establishes such a limit, the Board:

(1) Shall determine the period that the limit is in effect; and

(2) During that period, may increase or decrease the limit as the Board deems appropriate.

3. If the Board issues a contractor's license to an applicant described in subsection 1, for the first 2 years after the issuance of the license, the licensee must submit to the Board, with each application for renewal of the license:

(a) A financial statement that is prepared by an independent certified public accountant; and

(b) A statement setting forth the number of building permits issued to and construction projects completed by the licensee during the immediately preceding year and any other information required by the Board. The statement submitted pursuant to this paragraph must be provided on a form approved by the Board.

4. Before the Board may renew the contractor's license of the licensee, the Board must determine whether, based on the financial information concerning the licensee, it would be in the public interest to do any or all of the following:

(a) Require the licensee to obtain the services of a construction control with respect to any money that the licensee requires a purchaser of a new residence to pay in advance to make upgrades to the new residence. If the Board imposes such a requirement, the licensee may not:

(1) Be related to the construction control or to an employee or agent of the construction control; or

(2) Hold, directly or indirectly, a financial interest in the business of the construction control.

(b) Establish an aggregate monetary limit on the contractor's license, which must be the maximum combined monetary limit on all contracts that the licensee may undertake or perform as a licensed contractor at any one time, regardless of the number of contracts, construction sites, subdivision sites or clients. If the Board establishes such a limit, the Board:

(1) Shall determine the period that the limit is in effect; and

(2) During that period, may increase or decrease the limit as the Board deems appropriate.

Sec. 5. *1. In addition to any other requirements set forth in this chapter, if an investigation is conducted against a licensee and the Board determines that there is cause to proceed with a formal disciplinary proceeding against the licensee, the Board shall require the licensee to submit to the Board:*

(a) A financial statement that is prepared by an independent certified public accountant; and

(b) A statement setting forth the number of building permits issued to and construction projects completed by the licensee during the immediately

preceding year and any other information required by the Board. The statement submitted pursuant to this paragraph must be provided on a form approved by the Board.

2. After providing the licensee with notice and an opportunity to be heard, the Board must determine whether, based on the financial information concerning the licensee, it would be in the public interest to do any or all of the following:

(a) Require the licensee to obtain the services of a construction control with respect to any money that the licensee requires a purchaser of a new residence to pay in advance to make upgrades to the new residence. If the Board imposes such a requirement, the licensee may not:

(1) Be related to the construction control or to an employee or agent of the construction control; or

(2) Hold, directly or indirectly, a financial interest in the business of the construction control.

(b) Establish an aggregate monetary limit on the contractor's license, which must be the maximum combined monetary limit on all contracts that the licensee may undertake or perform as a licensed contractor at any one time, regardless of the number of contracts, construction sites, subdivision sites or clients. If the Board establishes such a limit, the Board:

(1) Shall determine the period that the limit is in effect; and

(2) During that period, may increase or decrease the limit as the Board deems appropriate.

3. The provisions of this section do not limit the authority of the Board to take disciplinary action against the licensee.

Sec. 6. *1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential.*

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 7. NRS 624.010 is hereby amended to read as follows:

624.010 ~~[As used in this chapter,]~~ "Board" means the State Contractors' Board.

Sec. 8. NRS 624.020 is hereby amended to read as follows:

624.020 ~~[For the purposes of this chapter, unless the context otherwise requires:]~~

1. "Contractor" is synonymous with "builder."

2. A contractor is any person, except a registered architect or a licensed professional engineer, acting solely in his professional capacity, who in any capacity other than as the employee of another with wages as the sole compensation, undertakes to, offers to undertake to, purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through

others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. Evidence of the securing of any permit from a governmental agency or the employment of any person on a construction project must be accepted by the Board or any court of this state as prima facie evidence that the person securing that permit or employing any person on a construction project is acting in the capacity of a contractor pursuant to the provisions of this chapter.

3. A contractor includes a subcontractor or specialty contractor, but does not include anyone who merely furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of a contractor.

4. A contractor includes a construction manager who performs management and counseling services on a construction project for a professional fee.

Sec. 9. NRS 624.110 is hereby amended to read as follows:

624.110 1. The Board may maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter, but it shall maintain one office in which there must be at all times open to public inspection a complete record of applications, licenses issued, licenses renewed and all revocations, cancellations and suspensions of licenses.

2. ~~[Credit]~~ *Except as otherwise required in section 6 of this act, credit* reports, references, ~~[investigative memoranda,]~~ financial information and data pertaining to a licensee's net worth are confidential and not open to public inspection.".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 13 and 14 and adding new sections designated sections 11 and 12, following sec. 2, to read as follows:

"Sec. 11. NRS 624.165 is hereby amended to read as follows:

624.165 1. The Board shall:

(a) Designate one or more of its employees for the investigation of constructional fraud;

(b) Cooperate with other local, state or federal investigative and law enforcement agencies, and the Attorney General;

(c) Assist the Attorney General or any official of an investigative or a law enforcement agency of this state, any other state or the Federal Government who requests assistance in investigating any act of constructional fraud; and

(d) Furnish to those officials any information concerning its investigation or report on any act of constructional fraud.

2. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;
(b) Guilty pleas;
(c) Sentencing;
(d) Probation;
(e) Parole;
(f) Bail;
(g) Complaints; and
(h) Final dispositions, for the investigation of constructional fraud.

3. For the purposes of this section, constructional fraud occurs if a person engaged in construction knowingly:

(a) Misapplies money under the circumstances described in NRS 205.310;

(b) Obtains money, property or labor by false pretense as described in NRS 205.380;

(c) Receives payments and fails to state his own true name, or states a false name, contractor's license number, address or telephone number of the person offering a service;

(d) ~~[Commits]~~ *Diverts money or commits* any act of theft, forgery, fraud or embezzlement, in connection with a construction project, that violates a criminal statute of this state;

(e) Acts as a contractor without:

(1) Possessing a contractor's license issued pursuant to this chapter; or

(2) Possessing any other license required by this state or a political subdivision of this state; or

(f) Otherwise fails to disclose a material fact.

Sec. 12. NRS 624.300 is hereby amended to read as follows:

624.300 1. Except as otherwise provided in subsection 3, the Board may:

(a) Suspend or revoke licenses already issued;

(b) Refuse renewals of licenses;

(c) Impose limits on the field, scope and monetary limit of the license;

(d) Impose an administrative fine of not more than $10,000;

(e) Order a licensee to repay to the account established pursuant to NRS 624.470, any amount paid out of the account pursuant to NRS 624.510 as a result of an act or omission of that licensee;

(f) Order the licensee to take action to correct a condition resulting from an act which constitutes a cause for disciplinary action, at the licensee's cost, that may consist of requiring the licensee to:

(1) Perform the corrective work himself;

(2) Hire and pay another licensee to perform the corrective work; or

(3) Pay to the owner of the construction project a specified sum to correct the condition; or

(g) ~~[Reprimand]~~ *Issue a public reprimand* or take other less severe disciplinary action, including, without limitation, increasing the amount of the surety bond or cash deposit of the licensee, if the licensee commits any act which constitutes a cause for disciplinary action.

2. If the Board suspends or revokes the license of a contractor for failure to establish financial responsibility, the Board may, in addition to any other conditions for reinstating or renewing the license, require that each contract undertaken by the licensee for a period to be designated by the Board, not to exceed 12 months, be separately covered by a bond or bonds approved by the Board and conditioned upon the performance of and the payment of labor and materials required by the contract.

3. If a licensee violates the provisions of NRS 624.3014 or subsection 3 of NRS 624.3015, the Board may impose an administrative fine of not more than $20,000.

4. If a licensee commits a fraudulent act which is a cause for disciplinary action under NRS 624.3016, the correction of any condition resulting from the act does not preclude the Board from taking disciplinary action.

5. If the Board finds that a licensee has engaged in repeated acts that would be cause for disciplinary action, the correction of any resulting conditions does not preclude the Board from taking disciplinary action pursuant to this section.

6. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license by a licensee, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

7. If discipline is imposed pursuant to this section, including any discipline imposed pursuant to a stipulated settlement, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Board.

8. *The Board shall not issue a private reprimand to a licensee.*

9. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

10. All fines collected pursuant to this section must be deposited with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.".

Amend the bill as a whole by renumbering sections 5 and 6 as sections 17 and 18 and adding new sections designated sections 15 and 16, following sec. 4, to read as follows:

"Sec. 15. NRS 624.750 is hereby amended to read as follows:

624.750 1. It is unlawful for a person to commit any act or omission described in subsection *1 of NRS 624.3012, subsection* 2 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or 7 of NRS 624.3016.

2. Unless a greater penalty is otherwise provided by *a* specific statute, any person who violates subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or NRS 624.720 or 624.740:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than 1 year.

(c) For the third or subsequent offense, is guilty of a ~~[class]~~ *category* E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

3. *It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:*

(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by failing to pay for any services, labor, materials or equipment provided for that construction; and

(b) Wrongfully diverts that money to a use other than that for which it was received.

4. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 3:

(a) If the amount of money wrongfully diverted is $1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not more than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than 1 year.

(b) If the amount of money wrongfully diverted is more than $1,000, is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

5. Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Sec. 16. NRS 627.175 is hereby amended to read as follows:

627.175 1. Except as otherwise provided in subsection 2, the following shall not be a construction control or subject to the provisions of this chapter:

(a) A contractor licensed under the laws of the State of Nevada, paying a subcontractor, supplier of material, laborer or other person for bills incurred in the construction, repair, alteration or improvement of any premises.

(b) A subcontractor licensed to do business under the laws of the State of Nevada, paying a subcontractor, supplier of material, laborer or other person for bills incurred in the construction, repair, alteration or improvement of any premises.

(c) An owner-contractor paying a contractor, subcontractor, supplier of material, laborer or other person for bills incurred in the construction, repair, alteration or improvement of any premises.

(d) A lender of construction loan money, provided that he disburses the money directly to a contractor authorized by the borrower to do the work, or disburses the money directly to the owner of the premises.

(e) A lender of construction loan money, to an owner of a residential property or to an owner of not more than four units if the loan is made to repair or improve such property and the construction costs are $10,000 or less, or 35 percent of the appraised value of the improvements and repairs, whichever is greater.

2. The provisions of this chapter apply to a contractor who is required to obtain the services of a construction control pursuant to the provisions of NRS 597.7196 ~~[.]~~ *or section 4 or 5 of this act.*".

Amend the bill as a whole by adding a new section designated sec. 19, following sec. 6, to read as follows:

"Sec. 19. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"AN ACT relating to contractors; requiring an applicant for a contractor's license to establish his financial responsibility under certain circumstances; providing for the confidentiality of certain information compiled as a result of an investigation conducted by the State Contractors' Board; authorizing the Board to require a criminal investigator employed by the Board to conduct a background investigation of an applicant for employment with the Board; prohibiting the Board from issuing a private reprimand to a licensee; prohibiting a person from receiving money for the purpose of obtaining or paying for services, labor, materials or equipment under certain circumstances; authorizing a district court in a proceeding for a judicial review of a final decision of the Board to dismiss an agency or person from the proceeding under certain circumstances; expanding the circumstances under which a criminal investigator employed by the Board may exercise the powers of a peace officer; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 220.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 369.

The following Senate amendment was read:

Amendment No. 802.

Amend sec. 3, pages 1 and 2, by deleting lines 9 through 11 on page 1 and lines 1 through 5 on page 2, and inserting: "*business of selling inventory.*".

Amend sec. 5, page 2, by deleting lines 17 through 20 and inserting:

"Sec. 5. *"Inventory" means farm equipment or any attachments or repair parts for that farm equipment.*".

Amend sec. 19, page 9, lines 2 and 5, by deleting "*machinery or*".

Amend the title of the bill to read as follows:

"AN ACT relating to trade practices; requiring a supplier of farm equipment to repurchase the farm equipment from a dealer to whom it was

sold under certain circumstances; providing for the payment of claims for reimbursement for work performed by such a dealer under a warranty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing trade practices between suppliers and dealers of farm equipment. (BDR 52-1059)".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 369.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 401.

The following Senate amendment was read:

Amendment No. 761.

Amend sec. 2, page 1, line 9, after "*facility.*" by inserting: "*The term does not include a toll bridge or toll road.*".

Amend sec. 4, page 2, by deleting line 9 and inserting "*information:*".

Amend sec. 4, page 2, line 13, before "*facility*" by inserting "*transportation*".

Amend sec. 4, page 2, line 16, by deleting "*development of,*" and inserting: "*the development of or the*".

Amend sec. 4, page 2, line 17, by deleting "to" and inserting "to ,".

Amend sec. 4, page 2, lines 19 and 20, by deleting: "*operator of the transportation facility*" and inserting: "*person submitting the request*".

Amend sec. 4, page 2, line 37, by deleting "*operator*" and inserting: "*person submitting the request*".

Amend sec. 4, page 3, line 10, by deleting "*and*".

Amend sec. 4, page 3, by deleting line 15 and inserting: "*resources and the effect of those resources on any statewide or regional program for the improvement of transportation; and*

(5) The identification and analysis of any costs or benefits associated with the proposed facility, performed by a professional engineer who is licensed pursuant to chapter 625 of NRS.".

Amend sec. 6, page 3, line 42, by deleting "*facilities;*" and inserting: "*facilities, as determined by an analysis of the cost performed by a professional engineer who is licensed pursuant to chapter 625 of NRS;*".

Amend sec. 6, page 3, line 45, by deleting "*and*".

Amend sec. 6, page 4, line 1, after "*(e)*" by inserting: "*The plans of the person submitting the request contain any penalties for the failure of the person submitting the request to meet any deadline which results in the untimely development or construction of or improvement to the transportation facility or failure to meet any deadline for its more efficient operation; and*

(f)".

Amend sec. 6, page 4, line 2, after "*performance*" by inserting: "*established by the public body*".

Amend sec. 6, page 4, line 5, by deleting "*rely on*" and inserting "*consider*".

Amend sec. 6, page 4, line 9, by deleting "*may*" and inserting "*shall*".

Amend sec. 6, page 4, by deleting line 15 and inserting: "*writing to the public body, for consideration by the public body, any comments that the governmental entity has concerning the*".

Amend sec. 6, page 4, line 20, by deleting "*may*" and inserting "*shall*".

Amend sec. 6, page 4, line 24, by deleting "*advisor.*" and inserting: "*advisor, to be collected before the public body accepts the request or proposal for processing, review and evaluation.*".

Amend sec. 6, page 4, by deleting lines 28 and 29 and inserting: "*agreement, the public body shall include, without limitation:*

(a) Criteria that address the long-term quality of the transportation facility.

(b) The date of termination of the authority and duties pursuant to sections 2 to 8, inclusive, of this act of the person whose request or proposal was approved by the public body with respect to the transportation facility and for the dedication of the transportation facility to the public body on that date.

(c) Provision for the imposition by the person whose request or proposal was approved by the public body of such rates, fees or other charges as may be established from time to time by agreement of the parties for use of all or a portion of a transportation facility, other than a bridge or road.".

Amend sec. 6, page 4, by deleting line 32 and inserting: "*of or the commencement of the construction of, or improvements to, the*".

Amend sec. 6, page 4, line 43, by deleting "*may*" and inserting: "*shall, by resolution,*".

Amend sec. 9, page 6, line 3, by deleting "~~[$5,000,000]~~ *$2,500,000*" and inserting "$5,000,000".

Amend sec. 9, page 6, line 23, by deleting "*or*" and inserting "*of*".

Amend sec. 9.5, page 8, by deleting lines 40 through 43 and inserting:

"7. ~~[Any provision of a contract that is in violation of paragraph (c) of subsection 6 is declared to be contrary to the public policy of this state and is void.~~

~~8.]~~ A design-build team to whom a contract is awarded pursuant".

Amend sec. 11, page 9, line 14, after "*facility.*" by inserting: "*The term does not include a toll bridge or toll road.*".

Amend sec. 13, page 9, by deleting line 23 and inserting "*information:*".

Amend sec. 13, page 9, line 27, before "*facility*" by inserting "*transportation*".

Amend sec. 13, page 9, line 30, by deleting "*development of,*" and inserting: "*the development of or the*".

Amend sec. 13, page 9, line 31, by deleting "to" and inserting "to *,*".

Amend sec. 13, page 9, lines 33 and 34, by deleting: "*operator of the transportation facility*" and inserting: "*person submitting the request*".

Amend sec. 13, page 10, line 7, by deleting "*operator*" and inserting: "*person submitting the request*".

Amend sec. 13, page 10, line 25, by deleting "*and*".

Amend sec. 13, page 10, by deleting line 30 and inserting: "*resources and the effect of those resources on any statewide or regional program for the improvement of transportation; and*

(5) The identification and analysis of any costs or benefits associated with the proposed facility, performed by a professional engineer who is licensed pursuant to chapter 625 of NRS.".

Amend sec. 15, page 11, line 19, by deleting "*facilities;*" and inserting: "*facilities, as determined by an analysis of the cost performed by a professional engineer who is licensed pursuant to chapter 625 of NRS;*".

Amend sec. 15, page 11, line 22, by deleting "*and*".

Amend sec. 15, page 11, line 23, after "*(e)*" by inserting: "*The plans of the person submitting the request contain any penalties for the failure of the person submitting the request to meet any deadline which results in the untimely development or construction of or improvement to the transportation facility or failure to meet any deadline for its more efficient operation; and*

(f)".

Amend sec. 15, page 11, line 24, after "*performance*" by inserting: "*established by the Department*".

Amend sec. 15, page 11, line 27, by deleting "*rely on*" and inserting "*consider*".

Amend sec. 15, page 11, line 32, by deleting "*may*" and inserting "*shall*".

Amend sec. 15, page 11, by deleting line 38 and inserting: "*writing to the Department, for consideration by the Department, any comments that the governmental entity has concerning the*".

Amend sec. 15, page 11, line 43, by deleting "*may*" and inserting "*shall*".

Amend sec. 15, page 12, line 2, by deleting "*advisor.*" and inserting: "*advisor, to be collected before the Department accepts the request or proposal for processing, review and evaluation.*".

Amend sec. 15, page 12, by deleting lines 6 and 7 and inserting: "*agreement, the Department shall include, without limitation:*

(a) Criteria that address the long-term quality of the transportation facility.

(b) The date of termination of the authority and duties pursuant to sections 11 to 17, inclusive, of this act of the person whose request or proposal was approved by the Department with respect to the transportation facility and for the dedication of the transportation facility to the Department on that date.

(c) Provision for the imposition by the person whose request or proposal was approved by the Department of such rates, fees or other charges as may

be established from time to time by agreement of the parties for use of all or a portion of a transportation facility, other than a bridge or road.".

Amend sec. 15, page 12, line 10, by deleting "*of, commencement*" and inserting: "*of or the commencement*".

Amend sec. 17, page 12, line 21, by deleting: "*may determine if*" and inserting: "*shall make written findings of whether*".

Amend sec. 18, page 13, line 4, by deleting "~~[$5,000,000]~~ *$2,500,000*" and inserting "$5,000,000".

Amend the title of the bill, fourth line, after "facility;" by inserting: "changing the requirements relating to the contracts that may be awarded to a design-build team;".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 401.

Remarks by Assemblyman Goldwater.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 429.

The following Senate amendment was read:

Amendment No. 668.

Amend sec. 6, page 4, by deleting lines 12 through 17 and inserting:

"*1. "Qualified energy recovery process" means a system with a nameplate capacity of not more than 15 megawatts that converts the otherwise lost energy from:*

(a) The heat from exhaust stacks or pipes used for engines or manufacturing or industrial processes; or

(b) The reduction of high pressure in water or gas pipelines before the distribution of the water or gas, to generate electricity if the system does not use additional fossil fuel or require a combustion process to generate such electricity.

2. The term does not include any system that uses energy, lost or otherwise, from a process whose primary purpose is the generation of electricity, including, without limitation, any process involving engine-driven generation or pumped hydrogeneration.".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. NRS 704.7805 is hereby amended to read as follows:

704.7805 "Portfolio standard" means a portfolio standard for renewable energy *and energy from a qualified energy recovery process* established by the Commission pursuant to NRS 704.7821.".

Amend sec. 10, page 5, by deleting lines 29 through 33 and inserting:

"(a) Uses renewable energy *or energy from a qualified energy recovery process* to generate electricity; and

(b) Transmits or distributes the electricity that it generates from renewable energy *or energy from a qualified energy recovery process* via:

(1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy *or energy from a qualified energy recovery process* and".

Amend sec. 11, page 6, line 4, by deleting "energy." and inserting: "energy ~~[.]~~ *and energy from a qualified energy recovery process.*".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. NRS 704B.320 is hereby amended to read as follows:

704B.320 1. For eligible customers whose loads are in the service territory of an electric utility that primarily serves densely populated counties, the aggregate amount of energy that all such eligible customers purchase from providers of new electric resources before July 1, 2003, must not exceed 50 percent of the difference between the existing supply of energy generated in this state that is available to the electric utility and the existing demand for energy in this state that is consumed by the customers of the electric utility, as determined by the Commission.

2. An eligible customer that is a nongovernmental commercial or industrial end-use customer whose load is in the service territory of an electric utility that primarily serves densely populated counties shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless, as part of the proposed transaction, the eligible customer agrees to:

(a) Contract with the provider to purchase:

(1) An additional amount of energy which is equal to 10 percent of the total amount of energy that the eligible customer is purchasing for its own use under the proposed transaction and which is purchased at the same price, terms and conditions as the energy purchased by the eligible customer for its own use; and

(2) The capacity and ancillary services associated with the additional amount of energy at the same price, terms and conditions as the capacity and ancillary services purchased by the eligible customer for its own use; and

(b) Offers to assign the rights to the contract to the electric utility for use by the remaining customers of the electric utility.

3. If an eligible customer is subject to the provisions of subsection 2, the eligible customer shall include with its application filed pursuant to NRS 704B.310 all information concerning the contract offered to the electric utility that is necessary for the Commission to determine whether it is in the best interest of the remaining customers of the electric utility for the electric utility to accept the rights to the contract. Such information must include, without limitation, the amount of the energy and capacity to be purchased under the contract, the price of the energy, capacity and ancillary services and the duration of the contract.

4. Notwithstanding any specific statute to the contrary, information concerning the price of the energy, capacity and ancillary services and any

other terms or conditions of the contract that the Commission determines are commercially sensitive:

(a) Must not be disclosed by the Commission except to the regulatory operations staff of the Commission, the Consumer's Advocate and his staff and the electric utility for the purposes of carrying out the provisions of this section; and

(b) Shall be deemed to be confidential for all other purposes, and the Commission shall take such actions as are necessary to protect the confidentiality of such information.

5. If the Commission determines that the contract:

(a) Is not in the best interest of the remaining customers of the electric utility, the electric utility shall not accept the rights to the contract, and the eligible customer is entitled to all rights to the contract.

(b) Is in the best interest of the remaining customers of the electric utility, the electric utility shall accept the rights to the contract and the eligible customer shall assign all rights to the contract to the electric utility. A contract that is assigned to the electric utility pursuant to this paragraph shall be deemed to be an approved part of the resource plan of the electric utility and a prudent investment, and the electric utility may recover all costs for the energy, capacity and ancillary services acquired pursuant to the contract. To the extent practicable, the Commission shall take actions to ensure that the electric utility uses the energy, capacity and ancillary services acquired pursuant to each such contract only for the benefit of the remaining customers of the electric utility that are not eligible customers, with a preference for the remaining customers of the electric utility that are residential customers with small loads.

6. The provisions of this section do not exempt the electric utility, in whole or in part, from the requirements imposed on the electric utility pursuant to NRS 704.7801 to 704.7828, inclusive, to comply with its portfolio standard for renewable energy ~~[.]~~ *and energy from a qualified energy recovery process.* The Commission shall not take any actions pursuant to this section that conflict with or diminish those requirements.

7. As used in this section, "Consumer's Advocate" means the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General.".

Amend the title of the bill, eleventh line, after "pricing;" by inserting: "revising the provisions governing the portfolio standard to include energy from a qualified energy recovery process;".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 429.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 431.

The following Senate amendment was read:

Amendment No. 803.

Amend sec. 20, page 9, by deleting line 13 and inserting:

"Sec. 20. 1. If the solar energy system used by a participant in the Demonstration Program meets the requirements of NRS 704.766 to 704.775, inclusive, the participant is".

Amend sec. 20, page 9, between lines 21 and 22, by inserting:

"3. A participant who participates in net metering must be billed on a monthly basis by the utility.

4. Notwithstanding the provisions of paragraph (c) of subsection 2 of NRS 704.775, the utility shall credit the participant for the excess energy generated by the participant which is fed back to the utility that exceeds the electricity supplied by the utility to the participant during any billing period. This credit must be applied toward the electricity consumed by the participant in the 11 billing periods immediately following the billing period in which the credit accrues. Any credit that accrues to the participant during a billing period that is not applied toward the electricity consumed by the participant during the 11 billing periods immediately following must expire without compensation to the participant. The electricity represented by the expired credit shall be deemed to be electricity that the utility generated or acquired from a renewable energy system to comply with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

5. If the participant participates in net metering under an optional pricing plan pursuant to the provisions of subsection 2, any credit accrued by the participant pursuant to subsection 3 during a billing period must, until exhausted, be applied first toward the electricity consumed by the participant during peak period consumption, second toward the electricity consumed by the participant during mid-peak period consumption and finally toward the electricity consumed by the participant during off-peak period consumption.".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 431.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 432.

The following Senate amendment was read:

Amendment No. 764.

Amend section 1, pages 1 and 2, by deleting lines 2 through 6 on page 1 and lines 1 through 36 on page 2, and inserting:

"338.060 1. ~~[A]~~ *Except as otherwise provided in subsection 8, a* contractor engaged on *a* public ~~[works]~~ *work* shall forfeit, as a penalty to the public body ~~[in]~~ *on* behalf of which the contract has been made and awarded

to the contractor, not less than $20 nor more than $50 for each calendar day or portion thereof that each workman employed on the public work [:

~~(a) Is~~] *is* paid less than the designated rate for any work done under the contract, by the contractor or any subcontractor under him.

~~[(b) Is~~]

2. Except as otherwise provided in subsection 8, a contractor engaged on a public work shall forfeit, as a penalty to the public body on behalf of which the contract has been made and awarded to the contractor, not less than $20 nor more than $50 for each calendar day or portion thereof for each workman employed on the public work for which the contractor or subcontractor willfully included inaccurate or incomplete information in the monthly record required to be submitted to the public body pursuant to subsection 5 of NRS 338.070.

3. Except as otherwise provided in subsection 8, a contractor engaged on a public work shall forfeit, as a penalty to the public body on behalf of which the contract has been made and awarded to the contractor, not less than $20 nor more than $50 for each calendar day or portion thereof that each workman employed on the public work is not reported to the public body awarding the contract *by the contractor or any of his subcontractors* as required pursuant to *subsection 5 of* NRS 338.070 ~~[. The~~] *, up to a maximum of:*

(a) For the first failure to comply during the term of the contract for the public work, $1,000; and

(b) For each subsequent failure to comply during the term of the contract for the public work, $5,000.

4. Except as otherwise provided in subsection 8, if a violation of more than one provision of subsections 1, 2 and 3 involves the same workman, the contractor shall forfeit the penalty set forth in each subsection that was violated.

5. A public body awarding ~~[the~~] *a* contract *for a public work* shall cause a stipulation ~~[to this effect~~] *setting forth the penalties specified in subsections 1 to 4, inclusive,* to be inserted in the contract.

~~[2.~~] *6.* The Labor Commissioner shall, by regulation, establish a sliding scale based on the size of the contractor's business to determine the amount of the penalty to be imposed pursuant to ~~[subsection 1.~~

~~3.~~] *subsections 1 and 2.*

7. If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Labor Commissioner.

8. The Labor Commissioner may, for good cause shown, waive or reduce any penalty imposed pursuant to this section.".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective upon passage and approval.".

Amend the title of the bill, eleventh line, after "work;" by inserting: "authorizing the Labor Commissioner to waive or reduce certain penalties imposed on contractors and subcontractors for good cause shown;".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 432.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 30.

The following Senate amendment was read:

Amendment No. 698.

Amend sec. 5, page 5, by deleting lines 24 through 30 and inserting:

"3. When a person, formerly a nonresident, becomes a resident of this state, he shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he obtains his driver's license, whichever occurs earlier, apply for the registration of ~~[any vehicle which]~~ *each vehicle* he owns ~~[and]~~ which is operated in this state. *When a person, formerly a nonresident, applies for a driver's license in this state, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection. In addition, the Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of this subsection and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.*".

Amend the bill as a whole by deleting sections 7 and 8 and renumbering sections 9 through 11 as sections 7 through 9.

Amend sec. 11, page 11, by deleting lines 10 and 11 and inserting:

"Sec. 9. 1. This section and sections 1 to 4, inclusive, 6, 7 and 8 of this act become effective upon passage and approval.

2. Section 5 of this act becomes effective on July 1, 2004.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "new residents of this state; revising the provision which".

Assemblywoman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 30.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

The following Senate amendment was read:

Amendment No. 831.

Amend section 1, page 1, line 3, by deleting "*1*.".

Amend section 1, pages 1 and 2, by deleting line 7 on page 1 and lines 1 through 4 on page 2, and inserting: "*vehicle shall, upon the request of a purchaser or prospective purchaser*".

Amend section 1, page 2, by deleting lines 9 through 25 and inserting: "*prospective purchaser to view the version of the forms for the application for credit and contracts to be used in the sale of vehicles which have been translated into Spanish pursuant to subsection 3 of NRS 97.299.*".

Amend the bill as a whole by deleting sec. 3 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 97.299 is hereby amended to read as follows:

97.299 1. The Commissioner of Financial Institutions shall prescribe, by regulation, forms for the application for credit and contracts to be used in the sale of vehicles if:

(a) The sale involves the taking of a security interest to secure all or a part of the purchase price of the vehicle;

(b) The application for credit is made to or through the seller of the vehicle;

(c) The seller is a dealer; and

(d) The sale is not a commercial transaction.

2. The forms prescribed pursuant to subsection 1 must meet the requirements of NRS 97.165, must be accepted and acted upon by any lender to whom the application for credit is made and, in addition to the information required in NRS 97.185 and required to be disclosed in such a transaction by federal law, must:

(a) Identify and itemize the items embodied in the cash sale price, including the amount charged for a contract to service the vehicle after it is purchased.

(b) In specifying the amount of the buyer's down payment, identify the amounts paid in money and allowed for property given in trade and the amount of any manufacturer's rebate applied to the down payment.

(c) Contain a description of any property given in trade as part of the down payment.

(d) Contain a description of the method for calculating the unearned portion of the finance charge upon prepayment in full of the unpaid total of payments as prescribed in NRS 97.225.

(e) Include the following notice in at least 10-point bold type:

NOTICE TO BUYER

Do not sign this agreement before you read it or if it contains any blank spaces. You are entitled to a completed copy of this agreement. If you pay the amount due before the scheduled date of maturity of the indebtedness and you are not in default in the terms of the contract for more than 2 months, you are entitled to a refund of the unearned portion of the finance charge. If you fail to perform your obligations under this agreement, the vehicle may be

repossessed and you may be liable for the unpaid indebtedness evidenced by this agreement.

3. *The Commissioner shall arrange for or otherwise cause the translation into Spanish of the forms prescribed pursuant to subsection 1.*

4. If a change in state or federal law requires the Commissioner to amend the forms prescribed pursuant to subsection 1, the Commissioner need not comply with the provisions of chapter 233B of NRS when making those amendments.

~~[4.]~~ *5.* As used in this section:

(a) "Commercial transaction" means any sale of a vehicle to a buyer who purchases the vehicle solely or primarily for commercial use or resale.

(b) "Dealer" has the meaning ascribed to it in NRS 482.020.".

Amend sec. 4, page 2, by deleting lines 34 through 37 and inserting:

"Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2004.".

Amend the title of the bill, fourth line, after "circumstances;" by inserting: "requiring the Commissioner of Financial Institutions to arrange for or otherwise cause the translation into Spanish of certain documents;".

Amend the bill as a whole by adding the following senator as a primary joint sponsor: Senator Carlton.

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 223.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 239.

The following Senate amendment was read:

Amendment No. 782.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 482.1805 is hereby amended to read as follows:

482.1805 1. The Revolving Account for the Issuance of Special License Plates is hereby created as a special account in the Motor Vehicle Fund. An amount equal to $35 of the fee received by the Department for the initial issuance of a special license plate, not including any additional fee which may be added to generate financial support for a particular cause or charitable organization, must be deposited in the Motor Vehicle Fund for credit to the Account.

2. The Department shall use the money in the Account to ~~[pay]~~ *:*

(a) Pay the expenses involved in issuing special license plates ~~[.]~~*; and*

(b) Purchase improved and upgraded technology, including, without limitation, digital technology for the production of special license plates, to ensure that special license plates are produced in the most efficient manner possible.

3. Money in the Account must be used only for the ~~[purpose]~~ *purposes* specified in subsection 2.

4. At the end of each fiscal year, the State Controller shall transfer from the Account to the State Highway Fund an amount of money equal to the balance in the Account which exceeds $50,000.".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. 1. This section and section 2 of this act become effective upon passage and approval.

2. Sections 1, 3 and 4 of this act become effective on October 1, 2003.".

Amend the title of the bill, seventh line, after "plates;" by inserting: "expanding the purposes for which money in the Revolving Account for the Issuance of Special License Plates may be used;".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes production and issuance of vintage license plates for certain motor vehicles and expands purposes for which money in Revolving Account for Issuance of Special License Plates may be used. (BDR 43-126)".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 239.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 325.

The following Senate amendment was read:

Amendment No. 832.

Amend sec. 15, page 5, line 44, by deleting: "*parts if new parts are not available.*" and inserting "*parts.*".

Amend sec. 20, page 7, line 27, by deleting "*75*" and inserting "*65*".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 325.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 358.

The following Senate amendment was read:

Amendment No. 621.

Amend sec. 2, page 2, line 6, by deleting "*250*" and inserting "*1,000*".

Amend sec. 2, page 2, by deleting line 14 and inserting:

"*3. The*".

Amend sec. 2, page 2, by deleting lines 22 through 27.

Amend sec. 2, page 2, by deleting line 36 and inserting: "*for any passenger car or light commercial vehicle*".

Amend sec. 5, page 4, by deleting lines 40 through 42 and inserting: "*482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.37937, 482.37938 or 482.37945 or section 1 of Assembly Bill No. 19 of this session.*".

Amend sec. 5, page 5, by deleting lines 18 through 20 and inserting: "*by the Department pursuant to section 2 of this act, less than 1,000; or*".

Amend sec. 5, page 5, by deleting line 36 and inserting:

"*6. If, on December 31 of the same*".

Amend sec. 5, page 5, by deleting lines 41 through 43 and inserting: "*by the Department pursuant to section 2 of this act, less than 1,000; or*".

Assemblywoman Chowning moved that the Assembly concur in the Senate Amendment No. 621 to Assembly Bill No. 358.

Remarks by Assemblywoman Chowning.

Motion carried.

The following Senate amendment was read:

Amendment No. 852.

Amend section 1, page 1, line 2, by deleting "2" and inserting "1.5".

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. *1. Except as otherwise provided in this subsection, the Department, in cooperation with Nevada Ducks Unlimited or its successor, shall design, prepare and issue license plates for the support of the conservation of wetlands, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 1,000 applications for the issuance of those plates.*

2. If the Department receives at least 1,000 applications for the issuance of license plates for the support of the conservation of wetlands, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the conservation of wetlands if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the conservation of wetlands pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the conservation of wetlands is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the conservation of wetlands must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Treasurer of Nevada Ducks Unlimited or its successor for use by Nevada Ducks Unlimited or its successor in carrying out:

(a) Projects for the conservation of wetlands that are:

(1) Conducted within Nevada; and

(2) Sponsored or participated in by Nevada Ducks Unlimited or its successor; and

(b) Fundraising activities for the conservation of wetlands that are:

(1) Conducted within Nevada; and

(2) Sponsored or participated in by Nevada Ducks Unlimited or its successor.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. As used in this section, "wetland" has the meaning ascribed to it in NRS 244.388.".

Amend sec. 5, page 4, line 37, by deleting "*session.*" and inserting: "*session or section 1.5 of this act.*".

Amend sec. 7, page 7, line 15, by deleting "*section*" and inserting: "*sections 1.5 and*".

Amend sec. 9, page 8, line 42, by deleting "*section*" and inserting: "*sections 1.5 and*".

Amend the bill as a whole by renumbering sec. 10 as sec. 11 and adding a new section designated sec. 10, following sec. 9, to read as follows:

"Sec. 10. On or before July 1, 2005, the Department of Motor Vehicles shall determine and publicly declare the number of applications it has received for the issuance of license plates pursuant to section 1.5 of this act.".

Amend sec. 10, page 9, after line 25, by inserting:

"3. Section 1.5 of this act expires by limitation on July 1, 2005, if on that date the Department of Motor Vehicles has received fewer than 1,000 applications for the issuance of license plates pursuant to that section.".

Amend the title of the bill, first line, after "vehicles" by inserting: "providing for the issuance of special license plates for the support of the conservation of wetlands; imposing a fee for the issuance and renewal of such plates;".

Assemblywoman Chowning moved that the Assembly do not concur in the Senate amendment No. 852 to Assembly Bill No. 358.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

The following Senate amendment was read:

Amendment No. 833.

Amend sec. 1.5, page 2, line 15, by deleting "*jurisdiction.*" and inserting: "*jurisdiction and which result in injury to any person performing highway construction or maintenance unless the district attorney has good cause for not prosecuting the violation.*".

Amend sec. 1.5, page 2, line 16, by deleting: "*the provisions of this section*" and inserting: "*any provision of subsection 1*".

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. NRS 484.287 is hereby amended to read as follows:

484.287 1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and except as otherwise provided in subsection 4, a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal or marking bearing thereon any commercial advertising except on benches *,* ~~[and]~~ shelters *and stations* for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083 *,* ~~[or]~~ 269.128 and 269.129 ~~[.]~~ *or 705.695*.

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to

subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110.

5. If a franchisee receives revenues from commercial advertising authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.".

Amend sec. 10, page 6, line 19, by deleting "turn." and inserting: "turn ~~[.]~~ *onto or from the highway.".*

Amend sec. 10, page 6, line 21, by deleting "turn." and inserting: "turn ~~[.]~~ *from the highway.*

(c) A vehicle that is in the center turn lane after making a left-hand turn onto the highway must stop and wait for an appropriate break in traffic before merging with traffic.

(d) A vehicle that is stopped in the center turn lane after making a left-hand turn onto the highway and before merging with traffic must yield the right-of-way to a vehicle that is being driven in the center lane for the purpose of making a left-hand turn from the highway.".

Amend sec. 17, page 8, lines 42 and 43, by deleting: "which states that" and inserting: "~~[which states that]~~ *stating "DOUBLE PENALTIES IN WORK ZONES" to indicate*".

Amend sec. 21, page 11, line 27, by deleting "*484.3667*." and inserting: "*484.3667 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484.348.*".

Amend the bill as a whole by adding new sections designated sections 26 and 27, following sec. 25, to read as follows:

"Sec. 26. NRS 405.030 is hereby amended to read as follows:

405.030 1. Except as otherwise provided in subsection 3 and except within the limits of any city or town through which the highway may run, and on benches *,* ~~[and]~~ shelters *and stations* for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083 *,* ~~[or]~~ 269.128 and 269.129 ~~[,]~~ *or 705.695,* it is unlawful for any person, firm or corporation to paste, paint, print or in any manner whatever place or attach to any building, fence, gate, bridge, rock, tree, board, structure or anything whatever, any written, printed, painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:

(a) Within any right-of-way of any state highway or road which is owned or controlled by the Department of Transportation.

(b) Within 20 feet of the main traveled way of any unimproved highway.

(c) On the property of another within view of any such highway, without the owner's written consent.

2. Nothing in this section prevents the posting or maintaining of any notices required by law to be posted or maintained, or the placing or maintaining of highway signs giving directions and distances for the information of the traveling public if the signs are approved by the Department of Transportation.

3. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

4. If a franchisee receives revenues from an advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond, until the bond is repaid.

Sec. 27. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except on benches *,* ~~[and]~~ shelters *and stations* for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083 *,* ~~[or]~~ 269.128 and 269.129 ~~[,]~~ *or 705.695,* no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right-of-way.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the Department of Transportation, counties, towns or cities of this state may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The Department of Transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which he is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

5. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.

6. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than $250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

7. If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the

advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.".

Amend the title of the bill to read as follows:

"AN ACT relating to transportation; authorizing vehicles used by the Department of Transportation in the construction, maintenance or repair of highways to be equipped with tail lamps that emit nonflashing blue light under certain circumstances; providing an additional penalty for a violation of certain traffic laws in an area designated as a temporary traffic control zone for construction, maintenance or repair of a highway; requiring prosecution of a failure to comply with signals of flagmen under certain circumstances; exempting certain benches, shelters and stations for passengers of public mass transportation for which a franchise has been granted from certain prohibitions against outdoor advertising; requiring a franchisee to use revenues it receives from such authorized advertising for the repayment of certain financial obligations; authorizing the use of a single center lane when making a left-hand turn onto a highway; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to transportation. (BDR 43-1098)".

Assemblywoman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 444.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

The following Senate amendment was read:

Amendment No. 804.

Amend section 1, page 1, line 7, by deleting "*cancer;*" and inserting: "*cancer or chronic fatigue syndrome;*".

Amend section 1, page 2, by deleting lines 26 and 27 and inserting:

"*2. The coverage for medical treatment pursuant to this section is required only to the extent that the medical treatment is not otherwise provided in connection with the clinical trial or study, and is limited to:*".

Amend section 1, page 2, between lines 43 and 44, by inserting: "*The services provided pursuant to paragraphs (b) and (d) must be covered only if the services are provided by a provider with whom the insurer has contracted for such services. If the insurer has not contracted for the*

provision of such services, the insurer shall pay the provider the rate of reimbursement that is paid to other providers with whom the insurer has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.".

Amend section 1, page 3, between lines 21 and 22, by inserting:

"*(h) Any costs for the management of research relating to the clinical trial or study.*".

Amend sec. 4, page 5, line 22, by deleting "*cancer;*" and inserting: "*cancer or chronic fatigue syndrome;*".

Amend sec. 4, page 6, by deleting lines 4 and 5 and inserting:

"*2. The coverage for medical treatment pursuant to this section is required only to the extent that the medical treatment is not otherwise provided in connection with the clinical trial or study, and is limited to:*".

Amend sec. 4, page 6, between lines 19 and 20, by inserting: "*The services provided pursuant to paragraphs (b) and (d) must be covered only if the services are provided by a provider with whom the insurer has contracted for such services. If the insurer has not contracted for the provision of such services, the insurer shall pay the provider the rate of reimbursement that is paid to other providers with whom the insurer has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.*".

Amend sec. 4, page 6, between lines 42 and 43, by inserting:

"*(h) Any costs for the management of research relating to the clinical trial or study.*".

Amend sec. 6, page 8, line 36, by deleting "*cancer;*" and inserting: "*cancer or chronic fatigue syndrome;*".

Amend sec. 6, page 9, by deleting lines 19 and 20 and inserting:

"*2. The coverage for medical treatment pursuant to this section is required only to the extent that the medical treatment is not otherwise provided in connection with the clinical trial or study, and is limited to:*".

Amend sec. 6, page 9, between lines 34 and 35, by inserting: "*The services provided pursuant to paragraphs (b) and (d) must be covered only if the services are provided by a provider with whom the medical services corporation has contracted for such services. If the medical services corporation has not contracted for the provision of such services, the medical services corporation shall pay the provider the rate of reimbursement that is paid to other providers with whom the medical services corporation has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.*".

Amend sec. 6, page 10, between lines 13 and 14, by inserting:

"*(h) Any costs for the management of research relating to the clinical trial or study.*".

Amend sec. 8, page 12, line 3, by deleting "*A health care*" and inserting: "*Except as otherwise provided in NRS 695C.050, a health care*".

Amend sec. 8, page 12, line 7, by deleting "*cancer;*" and inserting: "*cancer or chronic fatigue syndrome;*".

Amend sec. 8, page 12, by deleting lines 16 through 22 and inserting:

"*(c) The medical treatment is provided by a provider of health care and the facility and personnel have the experience and*".

Amend sec. 8, page 12, by deleting lines 39 and 40 and inserting:

"*2. The coverage for medical treatment pursuant to this section is required only to the extent that the medical treatment is not otherwise provided in connection with the clinical trial or study, and is limited to:*".

Amend sec. 8, page 13, between lines 10 and 11, by inserting: "*The services provided pursuant to paragraphs (b) and (d) must be covered only if the services are provided by a provider with whom the health maintenance organization has contracted for such services. If the health maintenance organization has not contracted for the provision of such services, the health maintenance organization shall pay the provider the rate of reimbursement that is paid to other providers with whom the health maintenance organization has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.*".

Amend sec. 8, page 13, between lines 33 and 34, by inserting:

"*(h) Any costs for the management of research relating to the clinical trial or study.*".

Amend sec. 9, page 15, line 5, after "695C.265" by inserting: "*and section 8 of this act*".

Amend sec. 9, page 15, lines 14 and 15, by deleting: "*and section 8 of this act*".

Amend sec. 12, page 17, line 25, by deleting "*cancer;*" and inserting: "*cancer or chronic fatigue syndrome;*".

Amend sec. 12, page 17, by deleting lines 34 through 41 and inserting:

"*(c) The medical treatment is provided by a provider of health care and the facility and personnel have the experience and*".

Amend sec. 12, page 18, by deleting lines 13 and 14 and inserting:

"*2. The coverage for medical treatment pursuant to this section is required only to the extent that the medical treatment is not otherwise provided in connection with the clinical trial or study, and is limited to:*".

Amend sec. 12, page 18, between lines 28 and 29, by inserting: "*The services provided pursuant to paragraphs (b) and (d) must be covered only if the services are provided by a provider with whom the managed care organization has contracted for such services. If the managed care organization has not contracted for the provision of such services, the managed care organization shall pay the provider the rate of reimbursement that is paid to other providers with whom the managed care organization has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.*".

Amend sec. 12, page 19, between lines 8 and 9, by inserting:

"*(h) Any costs for the management of research relating to the clinical trial or study.*".

Assemblyman Goldwater moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 502.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 320, Amendment No. 742; Assembly Bill No. 542, Amendment No. 882, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 13.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 384, 402; Senate Bills Nos. 10, 24, 73, 90, 94, 125, 183, 199, 204, 253, 287, 297, 307, 317, 323, 327, 353, 394, 424, 428, 434, 450, 465, 466, 467; Senate Concurrent Resolution No. 36.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Daines Mower, Alan R. Daines, William B. R. Daines, and Michael K. Daines.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Vallerio.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 27, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 2:08 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 27, 2003

Assembly called to order at 11:29 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Albert Tilstra.

These are stress-filled days for the legislators in this Chamber, dear God. Deliver them from the fear of what might happen and give them the grace to enjoy what now is and keep striving after what ought to be. We ask in Your Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bill No. 58; Senate Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TOM COLLINS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 515.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 29, 30.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 32, Senate Amendment No. 606, and requests a conference, and appointed Senators Hardy, Townsend, and Carlton as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 81, Senate Amendment No. 607, and requests a conference, and appointed Senators Hardy, Shaffer, and Schneider as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 232, Senate Amendment No. 667, and

requests a conference, and appointed Senators Hardy, O'Connell, and Carlton as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 353, Senate Amendment No. 751, and requests a conference, and appointed Senators Raggio, Cegavske, and Coffin as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 498, Senate Amendment No. 605, and requests a conference, and appointed Senators Hardy, Shaffer, and Schneider as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 209.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 748 to Senate Bill No. 34; Assembly Amendment No. 811 to Senate Bill No. 102; Assembly Amendment No. 813 to Senate Bill No. 193; Assembly Amendment No. 818 to Senate Bill No. 372; Assembly Amendment No. 625 to Senate Bill No. 432.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 776 to Senate Bill No. 136; Assembly Amendment No. 805 to Senate Bill No. 241; Assembly Amendments Nos. 816, 879 to Senate Bill No. 320; Assembly Amendment No. 750 to Senate Bill No. 407; Assembly Amendment No. 819 to Senate Bill No. 423; Assembly Amendments Nos. 872, 899, 820 to Senate Bill No. 425; Assembly Amendment No. 821 to Senate Bill No. 426; Assembly Amendment No. 781 to Senate Bill No. 439.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 209.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 58.

Bill read second time and ordered to third reading.

Senate Bill No. 106.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 10.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 320.

The following Senate amendment was read:

Amendment No. 742.

Amend sec. 3, page 4, by deleting lines 20 through 26 and inserting:

"7. The Commissioner may require an administrator to provide evidence which demonstrates that the administrator has substantially complied with

the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.".

Amend sec. 3, page 4, line 27, by deleting "*(b)*" and inserting "*8.*".

Amend sec. 3, pages 4 and 5, by deleting lines 31 through 44 on page 4 and lines 1 and 2 on page 5, and inserting: "Commissioner. *Upon a second or subsequent determination that an administrator is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of registration of the administrator.*".

Amend the bill as a whole by deleting sec. 4 and adding:

"Sec. 4. (Deleted by amendment.)".

Amend sec. 5, page 6, line 18, after "*to*" by inserting: "*paragraph (a) of*".

Amend sec. 5, page 6, by deleting line 22 and inserting: "*interested person, and any association of persons or organization whose members may be affected, may intervene as a matter of right in*".

Amend sec. 5, page 6, line 25, by deleting "*686B.050.*" and inserting: "*686B.050 and subsection 2 of NRS 686B.070.*".

Amend the bill as a whole by deleting sec. 8 and adding new sections designated sections 8 through 8.7, following sec. 7, to read as follows:

"Sec. 8. NRS 686B.070 is hereby amended to read as follows:

686B.070 *1.* Every authorized insurer and every rate service organization licensed under NRS ~~[686B.130]~~ *686B.140* which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner all:

~~[1.]~~ *(a)* Rates and proposed increases thereto;

~~[2.]~~ *(b)* Forms of policies to which the rates apply;

~~[3.]~~ *(c)* Supplementary rate information; and

~~[4.]~~ *(d)* Changes and amendments thereof, made by it for use in this state.

2. If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of his professional duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:

(a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.

(b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.

If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.

Sec. 8.3. NRS 686B.090 is hereby amended to read as follows:

686B.090 1. An insurer shall establish rates and supplementary rate information for any market segment based on the factors in NRS 686B.060. If an insurer has insufficient creditable loss experience, it may use rates and supplementary rate information prepared by a rate service organization, with modification for its own expense and loss experience.

2. An insurer may discharge its obligation under *subsection 1 of* NRS 686B.070 by giving notice to the Commissioner that it uses rates and supplementary rate information prepared by a designated rate service organization, with such information about modifications thereof as are necessary fully to inform the Commissioner. The insurer's rates and supplementary rate information shall be deemed those filed from time to time by the rate service organization, including any amendments thereto as filed, subject ~~[, however,]~~ to the modifications filed by the insurer.

Sec. 8.7. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. The Commissioner shall consider each proposed increase or decrease in the rate of any kind or line of insurance or subdivision thereof filed with him pursuant to *subsection 1 of* NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 ~~[,]~~ *or subsection 2 of NRS 686B.070,* he shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal no later than 60 days after it is determined by him to be complete pursuant to subsection 4. If the Commissioner fails to approve or disapprove the proposal within that period, the proposal shall be deemed approved.

2. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by him. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

3. If the Commissioner disapproves a proposed rate and an insurer requests a hearing to determine the validity of his action, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the proposed rate for which the hearing is held within 45 days after the hearing, the proposed rate shall be deemed approved.

4. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal to increase or decrease a rate submitted to him pursuant to subsection 1. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with him, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by him pursuant to this subsection.".

Amend sec. 9, page 9, by deleting line 35 and inserting: "*this section, if:*

(1) The insured is actively undergoing a medically necessary course of treatment; and

(2) The provider of health care and the insured agree that the continuity of care is desirable.".

Amend sec. 9, page 9, by deleting lines 38 through 40 and inserting: "*provides to the insured pursuant to this section, if the provider of health care agrees:*

(1) To provide medical treatment under the terms of the contract between the provider of health care and the insurer with regard to the insured, including, without limitation, the rates of payment for providing medical service, as those terms existed before the termination of the contract between the provider of health care and the insurer; and

(2) Not to seek payment from the insured for any medical service provided by the provider of health care that the provider of health care could not have received from the insured were the provider of health care still under contract with the insurer.".

Amend sec. 9, page 9, line 43, by deleting "*180th*" and inserting "*120th*".

Amend sec. 9, page 10, line 7, by deleting: "*incompetence or misconduct*" and inserting: "*medical incompetence or professional misconduct*".

Amend sec. 10, pages 10 and 11, by deleting lines 23 through 44 on page 10 and lines 1 through 13 on page 11, and inserting: "*to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to section 40.3 of this act to obtain any information related to the credentials of the provider of health care.*

3. A contract between an insurer and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 30 days' written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer contracts with a provider of health care to".

Amend sec. 10, page 11, between lines 21 and 22, by inserting:

"*5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.*".

Amend sec. 12, page 12, by deleting lines 23 through 29 and inserting:

"7. The Commissioner may require an insurer to provide evidence which demonstrates that the insurer has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.".

Amend sec. 12, page 12, line 30, by deleting "*(b)*" and inserting "*8.*".

Amend sec. 12, pages 12 and 13, by deleting lines 34 through 45 on page 12 and lines 1 through 3 on page 13, and inserting: "Commissioner. *Upon a second or subsequent determination that an insurer is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the insurer.*".

Amend sec. 13, page 13, by deleting line 17 and inserting: "*this section, if:*

(1) The insured is actively undergoing a medically necessary course of treatment; and

(2) The provider of health care and the insured agree that the continuity of care is desirable.".

Amend sec. 13, page 13, by deleting lines 20 through 22 and inserting: "*provides to the insured pursuant to this section, if the provider of health care agrees:*

(1) To provide medical treatment under the terms of the contract between the provider of health care and the insurer with regard to the insured, including, without limitation, the rates of payment for providing medical service, as those terms existed before the termination of the contract between the provider of health care and the insurer; and

(2) Not to seek payment from the insured for any medical service provided by the provider of health care that the provider of health care could not have received from the insured were the provider of health care still under contract with the insurer.".

Amend sec. 13, page 13, line 25, by deleting "*180th*" and inserting "*120th*".

Amend sec. 13, page 13, line 34, by deleting: "*incompetence or misconduct*" and inserting: "*medical incompetence or professional misconduct*".

Amend sec. 14, page 14, by deleting lines 8 through 42 and inserting: "*unless the insurer uses the form prescribed by the Commissioner pursuant to section 40.3 of this act to obtain any information related to the credentials of the provider of health care.*

3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 30 days' written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer specified in subsection 1 contracts with a".

Amend sec. 14, page 15, between lines 7 and 8, by inserting:

"*5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.*".

Amend sec. 15, page 16, by deleting lines 1 through 7 and inserting:

"7. The Commissioner may require an insurer to provide evidence which demonstrates that the insurer has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.".

Amend sec. 15, page 16, line 8, by deleting "*(b)*" and inserting "*8.*".

Amend sec. 15, page 16, by deleting lines 12 through 26 and inserting: "Commissioner. *Upon a second or subsequent determination that an insurer is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the insurer.*".

Amend sec. 16, pages 16 and 17, by deleting lines 35 through 44 on page 16 and lines 1 through 25 on page 17, and inserting: "*unless the carrier uses the form prescribed by the Commissioner pursuant to section 40.3 of this act to obtain any information related to the credentials of the provider of health care.*

3. A contract between a carrier specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the carrier upon giving to the provider 30 days' written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a carrier specified in subsection 1 contracts with a".

Amend sec. 16, page 17, between lines 34 and 35, by inserting:

"*5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.*".

Amend sec. 17, page 18, by deleting lines 29 through 35 and inserting:

"7. The Commissioner may require a carrier to provide evidence which demonstrates that the carrier has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.".

Amend sec. 17, page 18, line 36, by deleting "*(b)*" and inserting "*8.*".

Amend sec. 17, pages 18 and 19, by deleting lines 40 through 44 on page 18 and lines 1 through 10 on page 19, and inserting:

"Commissioner. *Upon a second or subsequent determination that a carrier is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the carrier.*".

Amend the bill as a whole by deleting sec. 19 and adding a new section designated sec. 19, following sec. 18, to read as follows:

"Sec. 19. *If a settlement or judgment exceeds the limits of the coverage provided by a policy of insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of his professional duty toward a patient, the Commissioner shall review the settlement or judgment. If the Commissioner finds, after notice and a hearing, or upon waiver of hearing by the insurer, that the insurer who issued the policy violated any provision of this code with regard to the settlement or judgment, any combination of such settlements or judgments, or any proceedings related thereto, the Commissioner may suspend, limit or revoke the insurer's certificate of authority.*".

Amend sec. 21, page 19, line 33, by deleting "*1.*".

Amend sec. 21, pages 19 and 20, by deleting lines 37 through 45 on page 19 and lines 1 through 11 on page 20, and inserting:

"*rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate.*".

Amend sec. 22, pages 20 and 21, by deleting lines 12 through 45 on page 20 and lines 1 through 28 on page 21, and inserting:

"Sec. 22. *1. Except as otherwise provided in this section, if an insurer intends to cancel, terminate or otherwise not renew all policies of professional liability insurance that it has issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS, the insurer must provide 120 days' notice of its intended action to the Commissioner and the practitioners before its intended action becomes effective.*

2. If an insurer intends to cancel, terminate or otherwise not renew a specific policy of professional liability insurance that it has issued to a practitioner who is practicing in one or more of the essential medical specialties designated by the Commissioner:

(a) The insurer must provide 120 days' notice to the practitioner before its intended action becomes effective; and

(b) The Commissioner may require the insurer to delay its intended action for a period of not more than 60 days if the Commissioner determines that a replacement policy is not readily available to the practitioner.

3. If an insurer intends to cancel, terminate or otherwise not renew all policies of professional liability insurance that it has issued to practitioners who are practicing in one or more of the essential medical specialties designated by the Commissioner:

(a) The insurer must provide 120 days' notice of its intended action to the Commissioner and the practitioners before its intended action becomes effective; and

(b) The Commissioner may require the insurer to delay its intended action for a period of not more than 60 days if the Commissioner determines that replacement policies are not readily available to the practitioners.

4. On or before April 1 of each year, the Commissioner shall:

(a) Determine whether there are any medical specialties in this state which are essential as a matter of public policy and which must be protected pursuant to this section from certain adverse actions relating to professional liability insurance that may impair the availability of those essential medical specialties to the residents of this state; and

(b) Make a list containing the essential medical specialties designated by the Commissioner and provide the list to each insurer that issues policies of professional liability insurance to practitioners who are practicing in one or more of the essential medical specialties.

5. The Commissioner may adopt any regulations that are necessary to carry out the provisions of this section.

6. Until the Commissioner determines which, if any, medical specialties are to be designated as essential medical specialties, the following medical specialties shall be deemed to be essential medical specialties for the purposes of this section:

(a) Emergency medicine.

(b) Neurosurgery.

(c) Obstetrics and gynecology.

(d) Orthopedic surgery.

(e) Pediatrics.

(f) Trauma surgery.

7. As used in this section, "professional liability insurance" means insurance covering the liability of a practitioner for a breach of his professional duty toward a patient.".

Amend sec. 23, pages 21 and 22, by deleting lines 34 through 45 on page 21 and lines 1 through 23 on page 22, and inserting: "*to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to section 40.3 of this act to obtain any information related to the credentials of the provider of health care.*

3. A contract between a society and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 30 days' written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a society contracts with a provider of health care to".

Amend sec. 23, page 22, between lines 31 and 32, by inserting:

"*5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.*".

Amend sec. 24, page 23, by deleting line 3 and inserting: "*this section, if:*

(1) The insured is actively undergoing a medically necessary course of treatment; and

(2) The provider of health care and the insured agree that the continuity of care is desirable.".

Amend sec. 24, page 23, by deleting lines 7 and 8 and inserting: "*this section, if the provider of health care agrees:*

(1) To provide medical treatment under the terms of the contract between the provider of health care and the hospital or medical service corporation with regard to the insured, including, without limitation, the rates of payment for providing medical service, as those terms existed before the termination of the contract between the provider of health care and the hospital or medical service corporation; and

(2) Not to seek payment from the insured for any medical service provided by the provider of health care that the provider of health care could not have received from the insured were the provider of health care still under contract with the hospital or medical service corporation.".

Amend sec. 24, page 23, line 11, by deleting "*180th*" and inserting "*120th*".

Amend sec. 24, page 23, line 21, by deleting: "*incompetence or misconduct*" and inserting: "*medical incompetence or professional misconduct*".

Amend sec. 25, pages 23 and 24, by deleting lines 40 through 44 on page 23 and lines 1 through 30 on page 24, and inserting: "*unless the corporation uses the form prescribed by the Commissioner pursuant to section 40.3 of this act to obtain any information related to the credentials of the provider of health care.*

3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 30 days' written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a corporation specified in subsection 1 contracts with a".

Amend sec. 25, page 24, between lines 39 and 40, by inserting:

"*5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.*".

Amend sec. 26, page 25, by deleting lines 37 through 43 and inserting:

"7. The Commissioner may require a corporation to provide evidence which demonstrates that the corporation has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.".

Amend sec. 26, page 25, line 44, by deleting "*(b)*" and inserting "*8.*".

Amend sec. 26, page 26, by deleting lines 3 through 17 and inserting: "Commissioner. *Upon a second or subsequent determination that a corporation is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the corporation.*".

Amend sec. 27, page 26, by deleting line 33 and inserting: "*this section, if:*

(1) The insured is actively undergoing a medically necessary course of treatment; and

(2) The provider of health care and the insured agree that the continuity of care is desirable.".

Amend sec. 27, page 26, by deleting lines 37 and 38 and inserting: "*section, if the provider of health care agrees:*

(1) To provide medical treatment under the terms of the contract between the provider of health care and the health maintenance organization with regard to the insured, including, without limitation, the rates of payment for providing medical service, as those terms existed before the termination of the contract between the provider of health care and the health maintenance organization; and

(2) Not to seek payment from the insured for any medical service provided by the provider of health care that the provider of health care could not have received from the insured were the provider of health care still under contract with the health maintenance organization.".

Amend sec. 27, page 26, line 41, by deleting "*180th*" and inserting "*120th*".

Amend sec. 27, page 27, lines 5 and 6, by deleting: "*incompetence or misconduct*" and inserting: "*medical incompetence or professional misconduct*".

Amend sec. 28, page 27, line 33, by deleting "*chapter 686A,*".

Amend sec. 30, pages 28 and 29, by deleting lines 20 through 44 on page 28 and lines 1 through 11 on page 29, and inserting: "*unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to section 40.3 of this act to obtain any information related to the credentials of the provider of health care.*

2. A contract between a health maintenance organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 30 days' written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a health maintenance organization contracts with a".

Amend sec. 30, page 29, between lines 20 and 21, by inserting:

"*4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.*".

Amend sec. 31, page 30, by deleting lines 18 through 25 and inserting:

"7. The Commissioner may require a health maintenance organization to provide evidence which demonstrates that the health maintenance organization has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.".

Amend sec. 31, page 30, line 26, by deleting "*(b)*" and inserting "*8.*".

Amend sec. 31, page 30, line 30, after "Commissioner." by inserting: "*Upon a second or subsequent determination that a health maintenance organization is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the health maintenance organization.*".

Amend sec. 31, pages 30 and 31, by deleting lines 31 through 44 on page 30 and lines 1 and 2 on page 31.

Amend sec. 33, page 32, by deleting line 35 and inserting: "*this section, if:*

(1) The insured is actively undergoing a medically necessary course of treatment; and

(2) The provider of health care and the insured agree that the continuity of care is desirable.".

Amend sec. 33, page 32, by deleting lines 39 and 40 and inserting: "*section, if the provider of health care agrees:*

(1) To provide medical treatment under the terms of the contract between the provider of health care and the managed care organization with regard to the insured, including, without limitation, the rates of payment for providing medical service, as those terms existed before the termination of the contract between the provider of health care and the managed care organization; and

(2) Not to seek payment from the insured for any medical service provided by the provider of health care that the provider of health care could not have received from the insured were the provider of health care still under contract with the managed care organization.".

Amend sec. 33, page 32, line 43, by deleting "*180th*" and inserting "*120th*".

Amend sec. 33, page 33, lines 7 and 8, by deleting: "*incompetence or misconduct*" and inserting: "*medical incompetence or professional misconduct*".

Amend sec. 33.5, page 33, by deleting line 31 and inserting: "care organization shall comply with ~~[any]~~ *:*

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision".

Amend sec. 34, page 34, by deleting lines 6 through 41 and inserting: "*unless the managed care organization uses the form prescribed by the Commissioner pursuant to section 40.3 of this act to obtain any information related to the credentials of the provider of health care.*

2. A contract between a managed care organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the managed care organization upon giving to the provider 30 days' written notice of the modification. If the provider fails to object in writing to the modification within the 30-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 30-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a managed care organization contracts with a provider".

Amend sec. 34, page 35, between lines 7 and 8, by inserting:

"*4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.*".

Amend sec. 35, page 35, by deleting line 9 and inserting: "thereto a new section to read as follows:

1. In an action for damages for medical malpractice or dental malpractice in which the defendant is insured pursuant to a policy of

insurance covering the liability of the defendant for a breach of his professional duty toward a patient:

(a) At any settlement conference, the judge may recommend that the action be settled for the limits of the policy of insurance.

(b) If the judge makes the recommendation described in paragraph (a), the defendant is entitled to obtain from independent counsel an opinion letter explaining the rights of, obligations of and potential consequences to the defendant with regard to the recommendation. The insurer shall pay the independent counsel to provide the opinion letter described in this paragraph, except that the insurer is not required to pay more than $1,500 to the independent counsel to provide the opinion letter.

2. The section does not:

(a) Prohibit the plaintiff from making any offer of settlement.

(b) Require an insurer to provide or pay for independent counsel for a defendant except as expressly provided in this section.".

Amend the bill as a whole by deleting sections 36 and 37 and adding:

"Secs. 36 and 37. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 39.5 and adding:

"Sec. 39.5. (Deleted by amendment.)".

Amend the bill as a whole by adding new sections designated sections 40.3 and 40.7, following sec. 40, to read as follows:

"Sec. 40.3. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the Commissioner of Insurance shall develop, prescribe for use and make available a single, standardized form for use by insurers, carriers, societies, corporations, health maintenance organizations and managed care organizations in obtaining any information related to the credentials of a provider of health care.

2. The provisions of subsection 1 do not prohibit the Commissioner of Insurance from developing, prescribing for use and making available:

(a) Appropriate variations of the form described in that subsection for use in different geographical regions of this state.

(b) Addenda or supplements to the form described in that subsection to address, until such time as a new form may be developed, prescribed for use and made available, any requirements newly imposed by the Federal Government, the State or one of its agencies, or a body that accredits hospitals, medical facilities or health care plans.

3. With respect to the form described in subsection 1, the Commissioner of Insurance shall:

(a) Hold public hearings to seek input regarding the development of the form;

(b) Develop the form in consideration of the input received pursuant to paragraph (a);

(c) Ensure that the form is developed in such a manner as to accommodate and reflect the different types of credentials applicable to different classes of providers of health care;

(d) Ensure that the form is developed in such a manner as to reflect standards of accreditation adopted by national organizations which accredit hospitals, medical facilities and health care plans; and

(e) Ensure that the form is developed to be used efficiently and is developed to be neither unduly long nor unduly voluminous.

4. As used in this section:

(a) "Carrier" has the meaning ascribed to it in NRS 689C.025.

(b) "Corporation" means a corporation operating pursuant to the provisions of chapter 695B of NRS.

(c) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(d) "Insurer" means:

(1) An insurer that issues policies of individual health insurance in accordance with chapter 689A of NRS; and

(2) An insurer that issues policies of group health insurance in accordance with chapter 689B of NRS.

(e) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(f) "Provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.

(g) "Society" has the meaning ascribed to it in NRS 695A.044.

Sec. 40.7. 1. The Commissioner of Insurance shall develop, prescribe for use and make available the form described in section 40.3 of this act on or before July 1, 2004.

2. Notwithstanding the provisions of sections 10, 14, 16, 23, 25, 30 and 34 of this act, an insurer, carrier, society, corporation, health maintenance organization and managed care organization is not required to use the form described in section 40.3 of this act until the earlier of:

(a) The date by which the Commissioner of Insurance develops, prescribes for use and makes available that form; or

(b) July 1, 2004.".

Amend the bill as a whole by adding a new section designated sec. 42, following sec. 41, to read as follows:

"Sec. 42. 1. This section and sections 40.3 and 40.7 of this act become effective upon passage and approval.

2. Sections 1 to 40, inclusive, and 41 of this act become effective on October 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT relating to malpractice; providing for certain defendants in malpractice actions to receive specified information from independent counsel under certain circumstances; prohibiting certain organizations from charging a fee for including the name of a provider of health care on a panel

of providers of health care under certain circumstances; prescribing the manner in which a contract with a provider of health care may be modified; requiring the development and use of a uniform form for obtaining information regarding the credentials of providers of health care for the purposes of contracts; requiring the submission of a schedule of payments to a provider of health care under certain circumstances; expanding the scope of certain deceptive trade practices to include health maintenance organizations; expanding the scope of statutorily defined unfair practices to include certain actions by managed care organizations; authorizing suspension, limitation and revocation of the authority of certain insuring entities for failure to timely pay approved claims or for violating provisions of the Nevada Insurance Code under certain circumstances; authorizing intervention in certain insurance ratemaking proceedings; requiring the Commissioner of Insurance to disapprove a proposed increase in rates for malpractice insurance under certain circumstances; prescribing procedures for withdrawal of certain insurers from the malpractice insurance market in this state; requiring disclosure of reasons for certain underwriting decisions; requiring certain policies of health insurance and health care plans to provide coverage for continued medical treatment by a provider of health care under certain circumstances; revising the circumstances under which the Commissioner of Insurance may suspend or revoke a certificate of authority issued to a health maintenance organization; requiring certain public organizations that provide health insurance to provide coverage for continued medical treatment by a provider of health care under certain circumstances; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 320.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 432, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Geddes, and Claborn as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 432.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 509.

The following Senate amendment was read:

Amendment No. 623.

Amend section 1, page 1, line 2, by deleting "1." and inserting "~~[1.]~~".

Amend section 1, pages 1 and 2, by deleting lines 10 through 16 on page 1 and lines 1 through 22 on page 2, and inserting:

"~~[2. Any resident of the school district who is aggrieved by the decision of the board of trustees at the reconsideration hearing may, within 30 days after that decision is rendered, make a written request to the State Board of Education for a hearing to review the decision. The State Board of Education shall conduct the hearing in the county in which the school is located within 30 days after receiving the request and shall publish a notice of the time and place of the hearing in a newspaper of general circulation in the county at least 10 days before the hearing. The State Board of Education shall hear the matter de novo.]~~ The decision of the ~~[State Board of Education]~~ *board of trustees* after its *reconsideration* hearing is a final decision subject to judicial review as provided by law.".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 509.

Remarks by Assemblyman Williams.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Oceguera, Buckley, and Brown as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 81.

Mr. Speaker appointed Assemblymen Goldwater, Conklin, and Griffin as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 232.

Mr. Speaker appointed Assemblymen Goldwater, Buckley, and Brown as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 498.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblywoman Ohrenschall:

Assembly Concurrent Resolution No. 31—Encouraging the recognition of mental illness and suicide in the young people of Nevada as public health crises and recommending the implementation of evidence-based initiatives to screen children and adolescents for mental disorders.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblywoman Ohrenschall.

Resolution adopted.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 425.

The following Senate amendment was read:

Amendment No. 763.

Amend sec. 15, pages 13 and 14, by deleting lines 13 through 45 on page 13 and lines 1 through 4 on page 14, and inserting:

"Sec. 15. NRS 338.1377 is hereby amended to read as follows:

338.1377 ~~[1. Except as otherwise provided in NRS 338.1383,]~~ *If* the governing body of ~~[each]~~ *a* local government that sponsors or finances a public work *elects to award contracts for public works pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, the governing body* shall adopt *the following* criteria for ~~[the qualification of bidders]~~ *determining whether a person who has applied pursuant to NRS 338.1379 is qualified to bid* on contracts for public works of the local government ~~[. The governing body shall use the criteria to determine the qualification of bidders on contracts for public works of the local government.~~

~~2. Before adopting criteria pursuant to this section, the governing body of a local government shall hold at least one public hearing to solicit and evaluate public opinion regarding the criteria to be adopted. Notice of such a hearing must be provided by mail at least 10 days before the hearing to:~~

~~(a) Construction trade associations in this state; and~~

~~(b) Labor unions representing trades in the building industry in this state.~~

~~3. The criteria adopted by a governing body pursuant to this section to determine whether an applicant is qualified to bid on a contract for a public work:~~

~~(a) Must be adopted in such a form that the determination of whether an applicant is qualified to bid on a contract for a public work does not require or allow the exercise of discretion by any one person.~~

~~(b) May include only:~~

~~(1) The financial ability of the applicant to perform a contract;~~

~~(2) The principal personnel of the applicant;~~

~~(3)]~~ *:*

1. Whether the applicant possesses a valid contractor's license of a class corresponding to the work to be required by the local government;

2. Whether the applicant has the ability to obtain the necessary bonding for the work to be required by the local government;

3. Whether the applicant has successfully completed one or more projects during the 5 years immediately preceding the date of application of similar size, scope or type as the work to be required by the local government;

4. Whether the principal personnel employed by the applicant have the necessary professional qualifications and experience for the work to be required by the local government;

5. Whether the applicant has breached any contracts with a public agency or person in this state or any other state ~~[, and~~

~~(4)]~~ *during the 5 years immediately preceding the date of application;*

6. Whether the applicant has been disqualified from being awarded a contract pursuant to NRS 338.017 or 338.1387 ~~[.]~~ *;*

7. Whether the applicant has been convicted of a violation for discrimination in employment during the 2 years immediately preceding the date of application;

8. Whether the applicant has the ability to obtain and maintain insurance coverage for public liability and property damage within limits sufficient to protect the applicant and all the subcontractors of the applicant from claims for personal injury, accidental death and damage to property that may arise in connection with the work to be required by the local government;

9. Whether the applicant has established a safety program that complies with the requirements of chapter 618 of NRS;

10. Whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the work to be required by the local government;

11. Whether, during the 5 years immediately preceding the date of application, the applicant has filed as a debtor under the provisions of the United States Bankruptcy Code;

12. Whether the application of the applicant is truthful and complete; and

13. Whether, during the 5 years immediately preceding the date of application, the applicant has, as a result of causes within the control of the applicant or a subcontractor or supplier of the applicant, failed to perform any contract:

(a) In the manner specified by the contract and any change orders initiated or approved by the person or governmental entity that awarded the contract or its authorized representative;

(b) Within the time specified by the contract unless extended by the person or governmental entity that awarded the contract or its authorized representative; or

(c) For the amount of money specified in the contract or as modified by any change orders initiated or approved by the person or governmental entity that awarded the contract or its authorized representative.

Evidence of the failures described in this subsection may include, without limitation, the assessment of liquidated damages against the applicant, the forfeiture of any bonds posted by the applicant, an arbitration award granted against the applicant or a decision by a court of law against the applicant.".

Amend sec. 17, page 14, line 45, by deleting "*30*" and inserting "*45*".

Amend the title of the bill by deleting the eighth through tenth lines and inserting: "revising the provisions governing the criteria for determining the

qualification of bidders on public works of local governments; revising certain".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 425.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 190.

The following Senate amendment was read:

Amendment No. 666.

Amend the bill as a whole by renumbering sections 1 through 7 as sections 6 through 12 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 624.010, 624.020 and section 3 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Knowingly" imports a knowledge that the facts exist which constitute the act or omission, and does not require knowledge of the prohibition against the act or omission. Knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent person upon inquiry.*

Sec. 4. NRS 624.010 is hereby amended to read as follows:

624.010 ~~[As used in this chapter,]~~ "Board" means the State Contractors' Board.

Sec. 5. NRS 624.020 is hereby amended to read as follows:

624.020 ~~[For the purposes of this chapter, unless the context otherwise requires:]~~

1. "Contractor" is synonymous with "builder."

2. A contractor is any person, except a registered architect or a licensed professional engineer, acting solely in his professional capacity, who in any capacity other than as the employee of another with wages as the sole compensation, undertakes to, offers to undertake to, purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. Evidence of the securing of any permit from a governmental agency or the employment of any person on a construction project must be accepted by the Board or any court of this state as prima facie evidence that the person securing that permit or employing any person

on a construction project is acting in the capacity of a contractor pursuant to the provisions of this chapter.

3. A contractor includes a subcontractor or specialty contractor, but does not include anyone who merely furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of a contractor.

4. A contractor includes a construction manager who performs management and counseling services on a construction project for a professional fee.".

Amend sec. 5, page 7, line 42, by deleting "*Submitting*" and inserting "*Knowingly submitting*".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 190.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Commerce and Labor, to which was referred Assembly Concurrent Resolution No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DAVID GOLDWATER, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblymen Manendo, Carpenter, Gustavson, Giunchigliani, Beers, Anderson, Mortenson, Hardy, Brown, Knecht, and Buckley.

Roll call on Assembly Bill No. 7:

YEAS—33.

NAYS—Beers, Carpenter, Collins, Giunchigliani, Goicoechea, Gustavson, Hettrick, Knecht, Marvel—9.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.
Bill read third time.
Roll call on Assembly Bill No. 195:
YEAS—42.
NAYS—None.
Assembly Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 266.
Bill read third time.
Roll call on Assembly Bill No. 266:
YEAS—26.
NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Goicoechea, Grady, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—16.
Assembly Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 533.
Bill read third time.
Roll call on Assembly Bill No. 533:
YEAS—42.
NAYS—None.
Assembly Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 544.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 544:
YEAS—42.
NAYS—None.
Assembly Bill No. 544 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 415.
Bill read third time.
Roll call on Senate Bill No. 415:
YEAS—42.
NAYS—None.
Senate Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bills Nos. 7, 195, 266, 533, 544; Senate Bill No. 415 be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 452.

The following Senate amendment was read:

Amendment No. 670.

Amend sec. 2, page 2, line 7, by deleting "*have*" and inserting "*hold*".

Amend sec. 2, page 2, line 9, by deleting: "*2006, may have*" and inserting: "*2004, may hold*".

Amend sec. 2, page 2, line 17, by deleting "*637.122,*" and inserting "*637.120,*".

Amend sec. 4, page 4, by deleting lines 3 through 17 and inserting:

"Sec. 4. *1. The Board may impose an administrative fine against a person who is not licensed pursuant to the provisions of this chapter if:*

(a) The person violates any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section; or

(b) The person employs a dispensing optician, apprentice dispensing optician or other person and the dispensing optician, apprentice dispensing optician or other person, in the course of his employment or apprenticeship, violates any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section.

2. The Board may impose a separate administrative fine against the person for each act that constitutes a separate violation.

3. In the first administrative proceeding brought against the person pursuant to this section, the Board may impose, for each act that constitutes a separate violation, an administrative fine of not more than $1,000.

4. In the second and any subsequent administrative proceeding brought against the person pursuant to this section, the Board may impose, for each act that constitutes a separate violation, an administrative fine of not more than $5,000.".

Amend sec. 5, page 4, by deleting lines 19 through 36 and inserting:

"637.022 *1.* "Ophthalmic dispensing" means the design, verification and delivery to the intended wearer of lenses, frames and other specially fabricated optical devices upon prescription.

2. The term includes:

~~[1.]~~ *(a)* The taking of measurements to determine the size, shape and specifications of the lenses, frames or contact lenses;

~~[2.]~~ *(b)* The preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear;

[3.] *(c)* The verification of the quality of finished ophthalmic products;

[4.] *(d)* The adjustment of lenses or frames to the intended wearer's face or eyes;

[5.] *(e)* The adjustment, replacement, repair and reproduction of previously prepared ophthalmic lenses, frames or other specially fabricated ophthalmic devices; and

[6.] *(f)* The fitting of contact lenses *and the dispensing of prepackaged contact lenses* pursuant to a written prescription *, when done* by a dispensing optician *or apprentice dispensing optician* who [has been licensed pursuant to NRS 637.122] *is authorized* to do so [.] *pursuant to the provisions of this chapter.*

3. The term does not include any act for which a license is required pursuant to chapter 630 or 636 of NRS, and the provisions of this chapter do not authorize a dispensing optician or apprentice dispensing optician to perform any such act.".

Amend the bill as a whole by deleting sections 6 through 15 and adding new sections designated sections 6 through 12, following sec. 5.5, to read as follows:

"Sec. 6. NRS 637.100 is hereby amended to read as follows:

637.100 [A candidate, in order to]

1. To qualify for examination and licensing as a dispensing optician, *an applicant* must furnish proof that he:

[1.] *(a)* Is at least 18 years of age.

[2.] *(b)* Is of good moral character.

[3.] *(c)* Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

[4.] *(d)* Is a graduate of an accredited high school or its equivalent.

[5.] *(e)* Has passed the examination of the American Board of Opticianry . [and has:

(a)] *(f) Has done either of the following:*

(1) Served as an apprentice *dispensing optician* for not less than 3 [years' full-time employment] *years* in an optical establishment where prescriptions for spectacles or contact lenses from given formulae are *fitted and* filled [, has acquired experience in optical technology and has had 1 year of experience in ophthalmic dispensing] under the direct supervision of a licensed dispensing optician *, licensed ophthalmologist* or licensed optometrist [,] *for the purpose of acquiring experience in ophthalmic dispensing* and has passed [the career progression program of the National Academy of Opticianry or an equivalent program accepted] *an educational program on the theory of ophthalmic dispensing approved* by the Board; or

[(b)] *(2)* Successfully completed a course of study in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing *approved by the Board* and has had 1 year of ophthalmic experience *as an apprentice dispensing optician* under the *direct* supervision

of a licensed dispensing optician *, licensed ophthalmologist* or licensed optometrist.

(g) Has done all of the following:

(1) Successfully completed a course of instruction on the fitting of contact lenses approved by the Board;

(2) Completed at least 100 hours of training and experience in the fitting of and filling of prescriptions for contact lenses under the direct supervision of a licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, a licensed ophthalmologist or a licensed optometrist;

(3) Passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and

(4) Passed the practical examination on the fitting of and filling of prescriptions for contact lenses adopted by the Board.

2. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that establish requirements for:

(a) The program of apprenticeship for apprentice dispensing opticians;

(b) The training and experience of apprentice dispensing opticians; and

(c) The issuance of licenses to apprentice dispensing opticians.

Sec. 7. NRS 637.110 is hereby amended to read as follows:

637.110 1. An application for the issuance of a license as ~~[a dispensing optician or]~~ *an* apprentice dispensing optician must ~~[include the social security number of the applicant.]~~ *be accompanied by a fee of not more than $250 to cover the costs of the Board and the initial licensing.*

2. An application *for the issuance of a license as a dispensing optician* must be accompanied by ~~[:~~

~~(a) The statement required pursuant to NRS 637.113;~~

~~(b) A]~~ *a* fee of not more than $250 to cover the cost of the examination by the Board and the initial licensing.

3. The Board shall, if it approves an application ~~[,]~~ *for the issuance of a license as a dispensing optician,* examine the applicant in ophthalmic dispensing, except that the Board may waive the examination of an applicant who is, at the time of application, licensed as a dispensing optician in another state.

4. To pass the examination ~~[,]~~ *for the issuance of a license as a dispensing optician,* an applicant must achieve a score of at least 70 percent.

Sec. 8. NRS 637.110 is hereby amended to read as follows:

637.110 1. An application for the issuance of a license as an apprentice dispensing optician must be accompanied by a fee of not more than $250 to cover the costs of the Board and the initial licensing.

2. An application for the issuance of a license as a dispensing optician must be accompanied by a fee of not more than ~~[$250]~~ *$500* to cover the cost of the examination by the Board and the initial licensing.

3. The Board shall, if it approves an application for the issuance of a license as a dispensing optician, examine the applicant in ophthalmic dispensing, except that the Board may waive the examination of an applicant who is, at the time of application, licensed as a dispensing optician in another state.

4. To pass the examination for the issuance of a license as a dispensing optician, an applicant must achieve a score of at least 70 percent.

Sec. 9. NRS 637.113 is hereby amended to read as follows:

637.113 1. ~~[An]~~ *In addition to any other requirements set forth in this chapter, an* applicant for the issuance or renewal of a license as a dispensing optician or apprentice dispensing optician shall submit to the Board *:*

(a) In any application for issuance of a license, the social security number of the applicant and the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

(b) In any application for renewal of a license, the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license as a dispensing optician or apprentice dispensing optician may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 10. NRS 637.120 is hereby amended to read as follows:

637.120 1. ~~[An applicant successfully completing the examination must be issued a]~~ *The Board shall issue a license as a dispensing optician to each applicant who satisfies the requirements of this chapter for the issuance of the license.*

2. A license as a dispensing optician ~~[by the Board. The license]~~ authorizes the ~~[applicant]~~ *holder* to engage in the practice of ophthalmic

dispensing [.;] and must at all times be conspicuously displayed at the holder's place of practice. The license is not transferable by the holder. [A separate license is required before the dispensing optician may fit contact lenses.

2.] *3.* The Board may, upon application and the payment of a fee not to exceed $100, issue one duplicate license.

Sec. 11. NRS 637.123 is hereby amended to read as follows:

637.123 1. *Except as otherwise provided in this section:*

(a) The license of [each] *an* apprentice dispensing optician [must expire] *expires* on January 31 of each year [. A license may be] *unless the license is* renewed before expiration upon [submission of the statement required pursuant to NRS 637.113 and] payment of the annual renewal fee set by the Board, not to exceed $200.

[2.] *(b)* The license of an apprentice dispensing optician that is not renewed before January 31 is delinquent. A delinquent license may be reinstated at the discretion of the Board upon [submission of the statement required pursuant to NRS 637.113 and] payment of each applicable annual renewal fee and an annual delinquency fee established by the Board, not to exceed $100.

[3.] *2.* The Board may by regulation require continuing education as a prerequisite to the renewal of the license of an apprentice dispensing optician.

3. The license of an apprentice dispensing optician may be renewed not more than four times, unless the Board determines that good cause exists for one or more additional renewals.

Sec. 12. NRS 637.125 is hereby amended to read as follows:

637.125 1. *A person may not employ another person to perform the services of a dispensing optician unless the other person:*

(a) Is licensed by the Board as a dispensing optician; or

(b) Is licensed by the Board as an apprentice dispensing optician and is directly supervised as required by the provisions of this chapter.

2. A licensed dispensing optician may [employ any] *not allow another* person *who is under his direct supervision* to perform the services of a dispensing optician [if] *unless* the *other* person is licensed by the Board as *a dispensing optician or* an apprentice dispensing optician.

[2. A]

3. If a person is licensed by the Board as an apprentice dispensing optician, a licensed dispensing optician [shall:

(a) Supervise] *, licensed ophthalmologist or licensed optometrist must:*

(a) Directly supervise all work done by [an] *the* apprentice dispensing optician.

(b) Be in attendance whenever [an] *the* apprentice dispensing optician is engaged in ophthalmic dispensing.

(c) Post the license of the apprentice dispensing optician in a conspicuous place where the apprentice *dispensing optician* works.

~~[3.]~~ *4.* A licensed dispensing optician may not have under his supervision more than two licensed apprentice dispensing opticians at any one time.

~~[4. The Board may require a fee of not more than $250 for the licensure of an apprentice dispensing optician.]~~

5. A licensed dispensing optician *or a person who employs a licensed dispensing optician* may employ *other* persons to assist in consulting on optical fashions ~~[and in making optical repairs, and these persons need]~~ *, and a licensed dispensing optician may supervise such other persons. Such other persons:*

(a) Are not *required to* be licensed ~~[as apprentices.]~~ *pursuant to the provisions of this chapter.*

(b) May not perform the services of a dispensing optician.

6. The Board may adopt regulations to carry out the provisions of this section.".

Amend the bill as a whole by renumbering sections 16 through 18 as sections 13 through 15, deleting sec. 19 and adding a new section designated sec. 16, following sec. 18, to read as follows:

"Sec. 16. NRS 637.170 is hereby amended to read as follows:

637.170 Any licensee whose license was revoked by the Board may apply for a new license ~~[as provided in NRS 637.100 to 637.122, inclusive,]~~ *pursuant to the provisions of this chapter at* any time after the date of revocation. The Board may consider such an application for licensure and may grant it upon the applicant's payment of a fee set by the Board to cover the administrative costs of any investigation and hearing.".

Amend the bill as a whole by renumbering sec. 20 as sec. 17, deleting sections 21 through 23 and adding new sections designated sections 18 through 20, following sec. 20, to read as follows:

"Sec. 18. 1. NRS 637.0225 is hereby repealed.

2. NRS 637.122 is hereby repealed.

Sec. 19. 1. If, on February 1, 2004, a person holds an active license, inactive license or delinquent license as a dispensing optician who is not authorized to fit contact lenses, the person shall be deemed to hold an active limited license, inactive limited license or delinquent limited license, as appropriate, pursuant to the provisions of section 2 of this act.

2. If, on February 1, 2004, a person holds an active license, inactive license or delinquent license as a dispensing optician who is authorized to fit contact lenses, the person shall be deemed to hold an active license, inactive license or delinquent license, as appropriate, that is issued pursuant to NRS 637.120, as amended by section 10 of this act.

3. Except as otherwise provided in subsection 4, if a person holds a license as an apprentice dispensing optician on or after the effective date of this act, the Board of Dispensing Opticians may not issue the person a license as a dispensing optician unless the person satisfies the requirements set forth in chapter 637 of NRS for the issuance of a license as a dispensing optician who is authorized to fit contact lenses.

4. Notwithstanding the amendatory provisions of this act, if a person holds a license as an apprentice dispensing optician on the effective date of this act:

(a) The person may apply for a license as a dispensing optician who is not authorized to fit contact lenses; and

(b) The Board of Dispensing Opticians shall issue such a license to the person if, before February 1, 2006, the person satisfies the requirements set forth in chapter 637 of NRS for the issuance of such a license, as those requirements existed on the date immediately preceding the effective date of this act. Upon issuance of the license, the person shall be deemed to hold an active limited license as a dispensing optician that is subject to the provisions of section 2 of this act.

Sec. 20. 1. This section and sections 1, 3, 4, 5, 5.5, 7, 9, 11, 12, 14, 16, 17 and 19 and subsection 1 of section 18 of this act become effective upon passage and approval.

2. Sections 2, 6, 8, 10, 13 and 15 and subsection 2 of section 18 of this act become effective on February 1, 2004.

3. Section 9 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.".

Amend the text of repealed sections by adding the text of NRS 637.122.

Amend the title of the bill by deleting the fifth through nineteenth lines and inserting: "administrative fines for persons who violate certain provisions relating to ophthalmic dispensing; providing for one license for dispensing opticians that would authorize the licensee to engage in all activities reserved for dispensing opticians, including those relating to contact lenses; providing for a limited license for existing dispensing opticians who are not authorized to provide contact lenses; revising various provisions relating to apprentice dispensing opticians;".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 452.

Remarks by Assemblyman Goldwater.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 493.

The following Senate amendment was read:

Amendment No. 712.

Amend the bill as a whole by deleting sections 2 and 3 and adding new sections designated as sections 2 and 3, following section 1, to read as follows:

"Sec. 2. *1. Except as otherwise provided by law, any money appropriated to the Commissioner or the Division and any money collected by the Commissioner or Division pursuant to law:*

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) May only be used to:

(1) Carry out the programs and laws administered by the Commissioner and the Division; and

(2) Pay the expenses related to the operations of the Commissioner and the Division.

2. Except as otherwise provided by law, any money that remains in the account at the end of the fiscal year, does not revert to the State General Fund, and the balance of the account must be carried forward to the next fiscal year.

3. The Commissioner shall administer the account. Any interest or income earned on the money in the account must be credited to the account, after deducting any applicable charges. Any claims against the account must be paid as other claims against the State are paid.

Sec. 3. 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit service that is supervised pursuant to chapter 604 of NRS;

(b) Escrow agent that is supervised pursuant to chapter 645 A of NRS;

(c) Mortgage broker that is supervised pursuant to chapter 645B of NRS;

(d) Mortgage company that is supervised pursuant to chapter 645E of NRS;

(e) Collection agency that is supervised pursuant to chapter 649 of NRS;

(f) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(g) Trust company that is supervised pursuant to chapter 669 of NRS;

(h) Development corporation that is supervised pursuant to chapter 670 of NRS;

(i) Corporation for economic revitalization and diversification that is supervised pursuant to chapter 670A of NRS;

(j) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(k) Savings and loan association that is supervised pursuant to chapter 673 of NRS;

(l) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(m) Person engaged in the business of debt adjusting that is supervised pursuant to chapter 676 of NRS;

(n) Thrift company that is supervised pursuant to chapter 677 of NRS; and

(o) Credit union that is supervised pursuant to chapter 678 of NRS.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of section 2 of this act.".

Amend the bill as a whole by deleting sec. 4 and adding:

"Sec. 4. (Deleted by amendment.)".

Amend sec. 5, page 3, line 34, by deleting "paid into" and inserting: "~~[paid into]~~ *deposited in*".

Amend sec. 5, page 3, by deleting line 35 and inserting: "~~State [General Fund.]~~ *Treasury pursuant to the provisions of*".

Amend sec. 6, page 4, line 3, after "of the" by inserting: "*money deposited to the*".

Amend sec. 6, page 4, by deleting line 4 and inserting: "~~State [General Fund]~~ *Treasury pursuant to the provisions of*".

Amend sec. 7, page 4, by deleting lines 35 through 37 and inserting: "must be ~~[paid into]~~ *deposited in* the State ~~[General Fund and the State Treasurer shall issue a receipt therefor.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 8, page 5, line 1, by deleting "paid into" and inserting: "~~[paid into]~~ *deposited in*".

Amend sec. 8, page 5, by deleting line 2 and inserting: "~~State [General Fund.]~~ *Treasury pursuant to the provisions of*".

Amend sec. 9, page 5, by deleting lines 9 and 10 and inserting: "~~[paid into]~~ *deposited in* the State ~~[General Fund]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 10, page 5, by deleting lines 27 and 28 and inserting: "in the State Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of section 2 of this act.*".

Amend the bill as a whole by deleting sec. 11 and adding:

"Sec. 11. (Deleted by amendment.)".

Amend sec. 12, page 7, by deleting lines 1 and 2 and inserting: "Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of section 2 of this act.*".

Amend sec. 13, page 8, by deleting lines 21 and 22 and inserting: "Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of section 2 of this act.*".

Amend sec. 14, page 9, by deleting lines 44 and 45 and inserting: "Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of section 2 of this act.*".

Amend sec. 15, page 10, by deleting lines 38 and 39 and inserting: "deposited in the State Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of section 2 of this*".

Amend sec. 16, page 11, by deleting lines 2 and 3 and inserting:"chapter must be ~~[paid into the State General Fund.]~~ *deposited in the State Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 16, page 11, by deleting lines 5 and 6 and inserting: "expenses incurred under this chapter must be paid from the *money deposited in the* State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section*".

Amend sec. 17, page 11, by deleting lines 24 and 25 and inserting: "~~[forthwith delivered to the State Treasurer and must be paid into]~~ *deposited in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of*".

Amend sec. 18, page 11, by deleting lines 40 through 42 and inserting: "sums so received by the Commissioner must be ~~[delivered to the State Treasurer and must be paid into]~~ *deposited in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 19, page 12, line 11, by deleting "paid" and inserting "~~[paid~~".

Amend sec. 19, page 12, by deleting lines 12 and 13 and inserting: "~~into]~~ *deposited in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.* Copies of appraisals must be".

Amend sec. 20, page 12, by deleting lines 42 and 43 and inserting: "~~[delivered to the State Treasurer and paid into]~~ *deposited in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this*".

Amend sec. 21, page 13, by deleting lines 9 through 11 and inserting: "shall ~~[deliver it to the State Treasurer. The fees shall be paid into]~~ *deposit the fees in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 22, page 13, by deleting lines 15 and 16 and inserting: "~~[paid into]~~ *deposited in* the State ~~[General Fund, and the State Treasurer shall issue his receipt therefor.]~~ *Treasury pursuant to the provisions of*".

Amend sec. 23, page 13, by deleting lines 29 and 30 and inserting: "subsection 2 must be deposited in the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 24, page 13, by deleting lines 34 and 35 and inserting: "~~[paid into]~~ *deposited in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 25, page 13, by deleting lines 39 and 40 and inserting: "deposited in the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 26, page 14, by deleting lines 11 and 12 and inserting: "regulation adopted ~~[thereunder,]~~ *pursuant thereto* in the State Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of*".

Amend the bill as a whole by deleting sections 27 and 28 and adding:

"Secs. 27 and 28. (Deleted by amendment.)".

Amend sec. 29, page 15, by deleting lines 27 through 29 and inserting:

"Sec. 29. 1. This act becomes".

Amend sec. 29, page 15, line 34, by deleting "3." and inserting "2.".

Amend the title of the bill to read as follows:

"AN ACT relating to state financial administration; providing that certain money collected by the Commissioner of Financial Institutions and the Division of Financial Institutions of the Department of Business and Industry must be deposited in the State Treasury and accounted for separately in the State General Fund; providing that the money deposited in the State Treasury by the Commissioner and the Division and accounted for separately in the State General Fund must be used to carry out the programs and pay for the expenses of the Commissioner and the Division; providing that the Commissioner shall collect an assessment from certain financial institutions for the purpose of recovering the cost to the Commissioner for legal services provided by the Attorney General to the Commissioner and the Division; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for money collected by Commissioner of Financial Institutions and Division of Financial Institutions of Department of Business and Industry to be deposited in State Treasury and to be accounted for separately in State General Fund. (BDR 55-463)".

Assemblyman Goldwater moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 493.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514.

The following Senate amendment was read:

Amendment No. 768.

Amend sec. 105, pages 60 and 61, by deleting lines 18 through 45 on page 60 and lines 1 through 4 on page 61 and inserting:

"Section 1. The above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto three new sections to be designated as sections 18.2, 47.4 and 47.5, respectively, immediately following sections 18.1 and 47, respectively, to read as follows:

Sec. 18.2. *"Vehicle" has the meaning ascribed to it in NRS 482.135.*

Sec. 47.4. *1. For the purposes of this section, "authorized appraisal" means an appraisal of the value of a motor vehicle made by:*

(a) An employee of the Department of Motor Vehicles on its behalf;

(b) A county assessor or his employee as an agent of the Department of Motor Vehicles;

(c) A person licensed by the Department of Motor Vehicles as a dealer; or

(d) An independent appraiser authorized by the Department of Motor Vehicles.

2. When computing the tax on the sale of a vehicle by a seller who is not required to be registered by the Department of Taxation, the Department of Motor Vehicles or the county assessor as an agent of the Department of Taxation shall, if an authorized appraisal is submitted, use as the vehicle's sales price the amount stated on the authorized appraisal or $100, whichever is greater.

3. The Department of Motor Vehicles shall establish by regulation the procedure for appraising vehicles and shall establish and make available a form for an authorized appraisal.

4. The Department of Motor Vehicles shall retain a copy of the appraisal considered pursuant to subsection 2 with its record of the collection of the tax.

5. A fee which does not exceed $10 may be charged and collected for each authorized appraisal made. Any money so collected by the Department of Motor Vehicles for such an appraisal made by its employees must be deposited with the State Treasurer to the credit of the Motor Vehicle Fund. Any money so collected by a county assessor must be deposited with the county treasurer to the credit of the county's general fund.

6. If an authorized appraisal is not submitted, the Department of Motor Vehicles or the county assessor as an agent of the Department of Taxation shall establish the sales price as a value which is based on the depreciated value of the vehicle as determined in accordance with the schedule in section 47.5 of chapter 397, Statutes of Nevada 1955. To determine the original price from which the depreciation is calculated, the Department of Motor Vehicles shall use:

(a) The manufacturer's suggested retail price in Nevada, excluding options and extras, as of the time the particular make and year model is first offered for sale in Nevada;

(b) If the vehicle is specially constructed, the original retail price to the original purchaser of the vehicle as evidenced by such document or documents as the Department may require;

(c) The procedures set forth in subsections 3 and 4 of NRS 371.050; or

(d) If none of these applies, its own estimate from any available information.

Sec. 47.5. *1. Except as otherwise provided in subsection 2, for the purpose of computing the tax on the sale of a vehicle by a seller who is not required to be registered with the Department of Taxation in the manner provided for in subsection 6 of section 47.4 of chapter 397, Statutes of Nevada 1955, a vehicle must be depreciated according to the following schedule:*

Age	*Percentage of Initial Value*
New	*100 percent*
1 year	*85 percent*
2 years	*75 percent*
3 years	*65 percent*
4 years	*60 percent*
5 years	*55 percent*
6 years	*50 percent*
7 years	*45 percent*
8 years	*40 percent*
9 years	*35 percent*
10 years	*30 percent*
11 years	*25 percent*
12 years	*20 percent*
13 years	*15 percent*
14 years or more	*10 percent*

2. The amount of depreciation calculated under subsection 1 must be rounded to the nearest whole multiple of $20 and the depreciated value must not be reduced below $100.

Sec. 2. Section 11 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 764, is hereby amended to read as follows:

Sec. 11. 1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property prior to its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax *,* ~~[(]~~ not including ~~[, however,]~~ any manufacturers' or importers' excise tax *,* ~~[)]~~ imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle that is taken in trade on the purchase of another vehicle.

4. For the purpose of a sale of a vehicle by a seller who is not required to be registered with the Department of Taxation, the sales price is the value established in the manner set forth in section 47.4 of chapter 397, Statutes of Nevada 1955.

Sec. 3. Section 12 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 764, is hereby amended to read as follows:

Sec. 12. 1. "Gross receipts" means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the Tax Commission may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the State or has paid the use tax with respect to the property, and has resold the property ~~[prior to]~~ *before* making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense.

(c) The cost of transportation of the property ~~[prior to]~~ *before* its sale to the purchaser.

2. The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

3. "Gross receipts" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) ~~[Sale]~~ *The sale* price of property returned by customers when the full sale price is refunded either in cash or credit *,* ~~[;]~~ but this exclusion ~~[shall]~~ *does* not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax *,* ~~[(]~~ not including ~~[, however,]~~ any manufacturers' or importers' excise tax *,* ~~[)]~~ imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.

4. For purposes of the sales tax, if the retailers establish to the satisfaction of the Tax Commission that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Sec. 4. Section 15 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 765, is hereby amended to read as follows:

Sec. 15. 1. "Retailer" includes:

(a) Every seller who makes any retail sale or sales of tangible personal property, and every person engaged in the business of making retail sales at auction of tangible personal property owned by the person or others.

(b) Every person engaged in the business of making sales for storage, use or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use or other consumption.

(c) Every person making *any retail sale of a vehicle or* more than two retail sales of *other* tangible personal property during any 12-month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

2. When the Tax Commission determines that it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of

whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the Tax Commission may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.

~~[3. A licensed optometrist or physician and surgeon is a consumer of, and shall not be considered, a retailer within the provisions of this chapter, with respect to the ophthalmic materials used or furnished by him in the performance of his professional services in the diagnosis, treatment or correction of conditions of the human eye, including the adaptation of lenses or frames for the aid thereof.]~~

Sec. 5. Section 18.1 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 766, is hereby amended to read as follows:

Sec. 18.1 NRS 372.035 is hereby amended to read as follows:

372.035 1. "Occasional sale" includes:

(a) A sale of property not held or used by a seller in the course of an activity for which he is required to hold a seller's permit, ~~[provided such]~~ *if the* sale is not one of a series of sales sufficient in number, scope and character to constitute an activity requiring the holding of a seller's permit.

(b) Any transfer of all or substantially all the property held or used by a person in the course of such an activity when after ~~[such]~~ *the* transfer the real or ultimate ownership of ~~[such]~~ *the* property is substantially similar to that which existed before ~~[such]~~ *the* transfer.

2. *The term does not include the sale of a vehicle other than the sale or transfer of a used vehicle to the seller's spouse, child, grandchild, parent, grandparent, brother or sister. For the purposes of this section, the relation of parent and child includes adoptive and illegitimate children and stepchildren.*

3. For the purposes of this section, stockholders, bondholders, partners or other persons holding an interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the property of such corporation or other entity.

Sec. 6. Section 56.1 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, as added by chapter 306, Statutes of Nevada 1969, at page 532, and amended by chapter 627, Statutes of Nevada 1985, at page 2028, and amended by chapter 404, Statutes of Nevada 1995, at page 1007, is hereby amended to read as follows:

Sec. 56.1. 1. There are exempted from the taxes imposed by this act the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis.

(d) *Any ophthalmic or ocular device or appliance prescribed by a physician or optometrist.*

(e) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory ~~[, ophthalmic or ocular]~~ device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 7. The above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated as section 56.3, immediately following section 56.2, to read as follows:

Sec. 56.3. *1. There are exempted from the taxes imposed by this Act the gross receipts from the sale of, and the storage, use or other consumption in a county of, farm machinery and equipment employed for the agricultural use of real property.*

2. As used in this section:

(a) "Agricultural use" has the meaning ascribed to it in NRS 361A.030.

(b) "Farm machinery and equipment" means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for the agricultural use of real property.

(c) "Farm tractor" means a motor vehicle designed and used primarily for drawing an implement of husbandry.

(d) "Implement of husbandry" means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.

Sec. 8. The above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto two new sections to be designated as sections 57.1 and 57.2, respectively, immediately following section 57, to read as follows:

Sec. 57.1. *1. Except as otherwise provided in section 57.2 of chapter 397, Statutes of Nevada 1955, there are exempted from the taxes imposed by this chapter the gross receipts from the sale of, and the storage, use or other consumption of, works of fine art for public display.*

2. In determining whether a payment made pursuant to a lease of a work of fine art is exempt under subsection 1, the value for the purpose of paragraph (a) of subsection 4 is the value of the work and not the value of possession for the term of the lease, and the calendar or fiscal year described in paragraph (a) of subsection 4 is the first full calendar or fiscal year, respectively, after the payment is made.

3. During the first full fiscal year following the purchase of fine art for which a taxpayer receives the exemption provided in this section, the taxpayer shall make available, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display and that the facility makes available for purchase by the public at the time of the request.

4. As used in this section:

(a) "Fine art for public display":

(1) Except as otherwise provided in subparagraph (2), means a work of art which:

(I) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;

(II) Is purchased in an arm's length transaction for $25,000 or more, or has an appraised value of $25,000 or more;

(III) Will be on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of the first full calendar year after the date on which it is purchased or, if the facility displaying the fine art disposes of it before the end of that year, during at least two-thirds of the full weeks during which the facility had possession of it, or if the gallery, museum, or other building or area in which the fine art will be displayed will not be opened until after the beginning of the first full calendar year after the date on which the fine art is purchased, these display requirements must instead be met for the first full fiscal year after the date of opening, and the date of opening must not be later than 2 years after the purchase of the fine art being displayed; and

(IV) Will be on display in a facility that is available for group tours by pupils or students for at least 5 hours on at least 60 days of the first full fiscal year after the purchase of the fine art, during which the facility in which it is displayed is open, by prior appointment and at reasonable times, without charge; and

(2) Does not include:

(I) A work of fine art that is a fixture or an improvement to real property;

(II) Materials purchased by an artist for consumption in the production of a work of art that is to be a fixture or an improvement to real property;

(III) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(IV) Products of filmmaking or photography, including, without limitation, motion pictures;

(V) Literary works;

(VI) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VII) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

(b) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(c) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory attendance pursuant to NRS 392.070.

(d) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.

Sec. 57.2. *1. A taxpayer may collect an admission fee for the exhibition of fine art otherwise exempt from taxation on its sale, storage, use or other consumption pursuant to section 57.1 of chapter 397, Statutes of Nevada 1955, if the taxpayer offers to residents of the State of Nevada a discount of 50 percent from any admission fee charged to nonresidents. The discounted admission fee for residents must be offered at any time the exhibition is open to the public and admission fees are being charged.*

2. If a taxpayer collects a fee for the exhibition of fine art otherwise exempt from taxation on its sale, storage, use or other consumption pursuant to section 57.1 of chapter 397, Statutes of Nevada 1955, and the fee is collected during the first full fiscal year after the purchase of the fine art, the exemption pertaining to that fine art must be reduced by the net revenue derived by the taxpayer for that first full fiscal year. The exemption pertaining to fine art must not be reduced below zero, regardless of the amount of the net revenue derived by the taxpayer for that first full fiscal year.

3. Any tax due pursuant to this section must be paid with the first sales and use tax return otherwise required to be filed by the taxpayer following the 15th day of the fourth month after the end of the first full fiscal year following the purchase of the fine art or, if no sales and use tax return is otherwise required to be filed by the taxpayer, with a sales and use tax return filed specifically for this purpose on or before the last day of the fourth month after the end of the first full fiscal year following the purchase of the fine art.

4. A taxpayer who is required to pay a tax resulting from the operation of this section may receive a credit against the tax for any donations made by the taxpayer to the Nevada Arts Council, the Division of Museums and History Dedicated Trust Fund established pursuant to NRS 381.0031, a museum that provides exhibits specifically related to nature or a museum that provides exhibits specifically related to children, if the taxpayer:

(a) Made the donation before the date that either return required pursuant to subsection 3 is due; and

(b) Provides to the Department documentation of the donation at the time that he files the return required pursuant to subsection 3.

5. For the purposes of this section:

(a) "Direct costs of owning and exhibiting the fine art" does not include any allocation of the general and administrative expense of a business or organization that conducts activities in addition to the operation of the

facility in which the fine art is displayed, including, without limitation, an allocation of the salary and benefits of a senior executive who is responsible for the oversight of the facility in which the fine art is displayed and who has substantial responsibilities related to the other activities of the business or organization.

(b) "Net revenue" means the amount of the fees collected for exhibiting the fine art during the fiscal year less the following paid or made during the fiscal year:

(1) The direct costs of owning and exhibiting the fine art; and

(2) The cost of educational programs associated with the taxpayer's public display of fine art, including the cost of meeting the requirements of sub-subparagraph (IV) of subparagraph (1) of paragraph (a) of subsection 4 of section 57.1 of chapter 397, Statutes of Nevada 1955.

Sec. 9. Section 6 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 763, is hereby amended to read as follows:

Sec. 6. 1. "Retail sale" or "sale at retail" means a sale for any purpose other than resale in the regular course of business of tangible personal property. *The terms do not include a sale of property that:*

(a) Meets the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 4 of section 57.1 of chapter 397, Statutes of Nevada 1955;

(b) Is made available for sale within 2 years after it is acquired; and

(c) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

2. The delivery in this state of tangible personal property by an owner or former owner thereof or by a factor, or agent of such owner, former owner or factor, if the delivery is to a consumer or person for redelivery to a consumer, pursuant to a retail sale made by a retailer not engaged in business in this state, is a retail sale in this state by the person making the delivery. He shall include the retail selling price of the property in his gross receipts.

Sec. 10. Section 7 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 763, is hereby amended to read as follows:

Sec. 7. "Storage" includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased from a retailer. *The term does not include keeping, retaining or exercising any right or power over tangible property that:*

1. Meets the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 4 of section 57.1 of chapter 397, Statutes of Nevada 1955;

2. Is made available for sale within 2 years after it is acquired; and

3. Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

Sec. 11. Section 61.5 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 762, as added by chapter 466, Statutes of Nevada 1985, at page 1441, is hereby amended to read as follows:

Sec. 61.5. There are exempted from the taxes imposed by this chapter the gross receipts from the sale ~~[of aircraft and major components]~~ *and the storage, use or other consumption in this state of:*

1. Aircraft, aircraft engines and component parts of aircraft ~~[, such as engines and other components made for use only in aircraft, to an air carrier which:~~

~~1. Holds a certificate to engage in air transportation issued pursuant to 49 U.S.C. § 1371 and is not solely a charter air carrier or a supplemental air carrier as described in Title 49 of the United States Code; and~~

~~2. Maintains its central office in Nevada and bases a majority of its aircraft in Nevada.]~~ *or aircraft engines which are manufactured exclusively for use in aircraft, sold or purchased for lease to a commercial air carrier for use in the transportation of persons or property in intrastate, interstate or foreign commerce pursuant to a certificate or license issued to the air carrier authorizing such transportation; and*

2. Machinery, tools and other equipment and parts which are used exclusively in the repair, remodeling or maintenance of aircraft, aircraft engines or component parts of aircraft or aircraft engines which meet the requirements of subsection 1.

Sec. 12. The above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated as section 61.6, immediately following section 61.5, to read as follows:

Sec. 61.6. *1. There are exempted from the taxes imposed by this chapter the gross receipts from the sale, furnishing or service of, and the storage, use or other consumption in this state of:*

(a) All engines and chassis of a professional racing vehicle;

(b) All parts and components that are used to replace or rebuild existing parts or components of any engine or chassis of a professional racing vehicle;

(c) All motor vehicles used by professional racing teams to transport professional racing vehicles or to transport parts or components of professional racing vehicles, including, without limitation, an engine and chassis of a professional racing vehicle; and

(d) All motor vehicles used by a professional racing team or sanctioning body to transport the business office of the professional racing team or sanctioning body or to transport a facility from which hospitality services are provided.

2. As used in this section:

(a) "Professional racing team" means a racing operation that qualifies for the taxable year as an activity engaged in for profit pursuant to the Internal Revenue Code, Title 26 of the United States Code.

(b) "Professional racing motor vehicle" means any motor vehicle which is used in a professional racing competition and which is owned, leased or operated by a professional racing team.

(c) "Sanctioning body" means an organization that establishes an annual schedule of professional racing events in which professional racing teams participate, grants rights to conduct such events and establishes and administers rules and regulations governing the persons who conduct or participate in such events.

Sec. 13. This act becomes effective on January 1, 2006.".

Amend sec. 106, page 61, by deleting lines 8 through 12 and inserting:

"Shall the Sales and Use Tax Act of 1955 be amended to:

1. Provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of the value of any used vehicle taken in trade on the purchase of another vehicle and to remove the exemption from those taxes for occasional sales of vehicles except where such sales are between certain family members;

2. Provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of ophthalmic or ocular devices or appliances prescribed by a physician or optometrist;

3. Provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of farm machinery and equipment employed for the agricultural use of real property;

4. Provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of works of fine art for public display;

5. Revise and clarify the criteria used to determine which aircraft and parts of aircraft are exempt from the taxes imposed by this Act, including removing the requirement that an air carrier must be based in Nevada to be eligible for the exemption, and providing an exemption for certain machinery and equipment used on eligible aircraft and parts of aircraft; and

6. Provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of engines and chassis, including replacement parts and components for the engines and chassis, of professional racing vehicles that are owned, leased or operated by professional racing teams?".

Amend sec. 107, page 61, by deleting lines 21 through 24 and inserting:

"1955 would:

1. Exempt from the taxes imposed by this Act the gross receipts from the sale and the storage, use or other consumption of the value of any used vehicle taken in trade on the purchase of another vehicle and remove the exemption from those taxes for occasional sales of vehicles except where such sales are between certain family members;

2. Exempt from the taxes imposed by this Act the gross receipts from the sale and the storage, use or other consumption of ophthalmic or ocular devices or appliances prescribed by a physician or optometrist;

3. Exempt from the taxes imposed by this Act the gross receipts from the sale and the storage, use or other consumption of farm machinery and equipment employed for the agricultural use of real property;

4. Exempt from the taxes imposed by this Act the gross receipts from the sale and the storage, use or other consumption of works of fine art for public display;

5. Revise and clarify the criteria used to determine which aircraft and parts of aircraft are exempt from the taxes imposed by this Act, including removing the requirement that an air carrier must be based in Nevada to be eligible for the exemption, and providing an exemption for certain machinery and equipment used on eligible aircraft and parts of aircraft; and

6. Exempt from the taxes imposed by this Act the gross receipts from the sale and the storage, use or other consumption of engines and chassis, including replacement parts and components for the engines and chassis, of professional racing vehicles that are owned, leased or operated by professional racing teams. A "yes" vote approves all of the proposals set forth in the question. A "no" vote disapproves all of the proposals set forth in the question. The proposals set forth in the question may not be voted upon individually.".

Amend the bill as a whole by deleting sections 108 through 132 and inserting:

"Secs. 108-132. (Deleted by amendment.)".

Amend sec. 133, page 81, by deleting lines 15 through 19 and inserting: "is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2006. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not".

Amend sec. 135, page 81, line 27, by deleting "any proposed" and inserting "the".

Amend sec. 135, page 81, line 29, by deleting "office" and inserting "Office".

Amend sec. 138, page 82, by deleting lines 28 through 33 and inserting:

"Sec. 138. NRS 374.107, 374.112, 374.113, 374.286, 374.291, 374.2911, 374.322 and 374.323 are hereby repealed.".

Amend sec. 139, page 83, by deleting lines 1 through 34 and inserting:

"4. Sections 30 and 39 of this act become effective on January 1, 2006, only if the proposal submitted pursuant to sections 103 to 107, inclusive, of this act is approved by the voters at the general election on November 2, 2004.

5. Sections 31, 51, 58 to 65, inclusive, 68, 73, 81, 82, 86, 93 and 138 of this act become effective on January 1, 2006, only if the proposal submitted pursuant to sections 103 to 107, inclusive, of this act is not approved by the".

Amend the title of the bill, ninth line, by deleting "questions" and inserting "a question".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 514.

Remarks by Assemblymen Parks and Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 394.

The following Senate amendment was read:

Amendment No. 830.

Amend section 1, page 2, by deleting lines 27 through 29 and inserting: "*remove the vehicle or part of a vehicle to his garage unless directed otherwise by the police officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in his possession or control.*".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 394.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 12:32 p.m.

ASSEMBLY IN SESSION

At 12:47 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Horne, Atkinson, and Geddes as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 353.

Mr. Speaker appointed Assemblymen Manendo, Atkinson, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 218.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Assembly Bill No. 490.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 903.

Amend the bill as a whole by deleting sections 1 through 28 and adding new sections designated as sections 1 through 89 and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Commissioner" means the Commissioner of Mortgage Lending.*

Sec. 4. *"Division" means the Division of Mortgage Lending of the Department of Business and Industry.*

Sec. 5. *"Escrow agency" has the meaning ascribed to it in NRS 645A.010.*

Sec. 6. *"Mortgage banker" has the meaning ascribed to it in NRS 645E.100.*

Sec. 7. *"Mortgage broker" has the meaning ascribed to it in NRS 645B.0127.*

Sec. 8. *The Commissioner and the Division shall administer the provisions of this chapter and chapters 645A, 645B and 645E of NRS, subject to administrative supervision by the Director of the Department of Business and Industry.*

Sec. 9. *The Commissioner:*

1. Must be a person who has had practical experience in the financial services industry or the business of making loans secured by an interest in real property.

2. Except as otherwise provided in NRS 284.143, shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 10. *The Commissioner shall not, either directly or indirectly, be interested in any escrow agency, mortgage broker or mortgage banker to which chapters 645A, 645B and 645E of NRS apply, nor engage in business as a personal loan broker.*

Sec. 11. *After appointment and before entering upon the discharge of the duties of his office, the Commissioner shall take and subscribe to an official oath.*

Sec. 12. *1. The Commissioner may appoint deputy commissioners of mortgage lending, examiners, assistants, clerks, stenographers and other*

employees necessary to assist him in the performance of his duties pursuant to this chapter, chapters 645A, 645B and 645E of NRS or any other law. These employees shall perform such duties as are assigned to them by the Commissioner.

2. The Commissioner may employ or contract with a certified public accountant to review and conduct independent audits and examinations of escrow agencies, mortgage brokers and mortgage bankers. The Commissioner shall levy an assessment upon each licensed escrow agency, mortgage broker and mortgage banker to cover all the costs related to the employment of or the contract with the certified public accountant and the performance of the audits and examinations.

3. Assessments collected by the Commissioner pursuant to subsection 2 must be deposited in the State Treasury for deposit to the Fund for Mortgage Lending created by section 17 of this act and accounted for separately. The Commissioner shall use the money for the purposes specified in subsection 2.

Sec. 13. *Each deputy commissioner of mortgage lending shall, before entering upon the discharge of his duties, take and subscribe to the constitutional oath of office.*

Sec. 14. *The State Board of Finance shall act in an advisory capacity to the Division in the administration of this chapter and chapters 645A, 645B and 645E of NRS.*

Sec. 15. *1. The Commissioner shall establish by regulation rates to be paid by mortgage agents, mortgage brokers and mortgage bankers for supervision and examinations by the Commissioner or the Division.*

2. In establishing a rate pursuant to subsection 1, the Commissioner shall consider:

(a) The complexity of the various examinations to which the rate applies;

(b) The skill required to conduct the examinations;

(c) The expenses associated with conducting the examination and preparing a report; and

(d) Any other factors the Commissioner deems relevant.

Sec. 16. *1. The Commissioner shall collect an assessment pursuant to this section from each:*

(a) Escrow agent that is supervised pursuant to chapter 645A of NRS;

(b) Mortgage broker that is supervised pursuant to chapter 645B of NRS; and

(c) Mortgage banker that is supervised pursuant to chapter 645E of NRS.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) An equal basis; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the Fund for Mortgage Lending created by section 17 of this act.

Sec. 17. *1. The Fund for Mortgage Lending is hereby created in the State Treasury as a special revenue fund.*

2. Except as otherwise provided by law, any money collected by the Commissioner or Division pursuant to law:

(a) Must be deposited in the Fund for Mortgage Lending; and

(b) May only be used to:

(1) Carry out the programs and laws administered by the Commissioner and the Division; and

(2) Pay the expenses related to the operations of the Commissioner and the Division.

3. Except as otherwise provided by law, any money that remains in the Fund for Mortgage Lending at the end of the fiscal year does not revert to the State General Fund, and the balance of the Fund for Mortgage Lending must be carried forward to the next fiscal year.

4. The Commissioner shall administer the Fund for Mortgage Lending. Any interest or income earned on the money in the Fund must be credited to the Fund after deducting any applicable charges. Any claims against the Fund must be paid as other claims against the State are paid.

Sec. 18. NRS 645A.010 is hereby amended to read as follows:

645A.010 As used in this chapter, unless the context otherwise requires:

1. "Commissioner" means the Commissioner of ~~[Financial Institutions.]~~ *Mortgage Lending.*

2. "Division" means the Division of ~~[Financial Institutions]~~ *Mortgage Lending* of the Department of Business and Industry.

3. "Escrow" means any transaction wherein one person, for the purpose of effecting the sale, transfer, encumbering or leasing of real or personal property to another person, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person until the happening of a specified event or the performance of a prescribed condition, when it is then to be delivered by such third person to a grantee, grantor, promisee, promisor, obligee, obligor, bailee, bailor or any agent or employee of any of the latter. The term includes the collection of payments and the performance of related services by a third person in connection with a loan secured by a lien on real property.

4. "Escrow agency" means:

(a) Any person who employs one or more escrow agents; or

(b) An escrow agent who administers escrows on his own behalf.

5. "Escrow agent" means any person engaged in the business of administering escrows for compensation.

Sec. 19. NRS 645A.037 is hereby amended to read as follows:

645A.037 1. Except as otherwise provided in subsection 2, a licensee may not conduct the business of administering escrows for compensation within any office, suite, room or place of business in which any other business is solicited or engaged in, except a notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of administering escrows pursuant to this chapter in the same office or place of business as:

(a) A firm or corporation that is exempt from licensing as a mortgage ~~[company]~~ *banker* pursuant to subsection 6 of NRS 645E.150.

(b) A mortgage ~~[company]~~ *banker* if:

(1) The licensee and the mortgage ~~[company:]~~ *banker:*

(I) Operate as separate legal entities;

(II) Maintain separate accounts, books and records;

(III) Are subsidiaries of the same parent corporation; and

(IV) Maintain separate licenses; and

(2) The mortgage ~~[company]~~ *banker* is licensed by this state pursuant to chapter 645E of NRS and does not conduct any business as a mortgage broker licensed pursuant to chapter 645B of NRS in the office or place of business.

Sec. 20. NRS 645A.040 is hereby amended to read as follows:

645A.040 1. Every license issued pursuant to the provisions of this chapter expires on July 1 of each year if it is not renewed. A license may be renewed by filing an application for renewal, paying the annual fee for the succeeding year and, if the licensee is a natural person, submitting the statement required pursuant to NRS 645A.025.

2. The fees for the issuance or renewal of a license for an escrow agency are:

(a) For filing an application for an initial license, $500 for the principal office and $100 for each branch office. ~~[All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account created by NRS 232.545.]~~

(b) If the license is approved for issuance, $200 for the principal office and $100 for each branch office. The fee must be paid before issuance of the license.

(c) For filing an application for renewal, $200 for the principal office and $100 for each branch office.

3. The fees for the issuance or renewal of a license for an escrow agent are:

(a) For filing an application for an initial license or for the renewal of a license, $100.

(b) If a license is approved for issuance or renewal, $25. The fee must be paid before the issuance or renewal of the license.

4. If a licensee fails to submit the statement required pursuant to NRS 645A.025 or pay the fee for the annual renewal of his license before its expiration, his license may be renewed only upon the payment of a fee one and one-half times the amount otherwise required for renewal. A license may be renewed pursuant to this subsection only if the required statement is submitted and all the fees are paid within 1 year after the date on which the license expired.

5. In addition to the other fees set forth in this section, each applicant or licensee shall pay:

(a) For filing an application for a duplicate copy of any license, upon satisfactory showing of its loss, $10.

(b) For filing any change of information contained in the application, $10.

(c) For each change of association with an escrow agency, $25.

6. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the ~~[State Treasury for credit to the State General Fund.]~~ *Fund for Mortgage Lending created by section 17 of this act.*

Sec. 21. NRS 645A.040 is hereby amended to read as follows:

645A.040 1. Every license issued pursuant to the provisions of this chapter expires on July 1 of each year if it is not renewed. A license may be renewed by filing an application for renewal and paying the annual fee for the succeeding year.

2. The fees for the issuance or renewal of a license for an escrow agency are:

(a) For filing an application for an initial license, $500 for the principal office and $100 for each branch office. ~~[All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account created by NRS 232.545.]~~

(b) If the license is approved for issuance, $200 for the principal office and $100 for each branch office. The fee must be paid before issuance of the license.

(c) For filing an application for renewal, $200 for the principal office and $100 for each branch office.

3. The fees for the issuance or renewal of a license for an escrow agent are:

(a) For filing an application for an initial license or for the renewal of a license, $100.

(b) If a license is approved for issuance or renewal, $25. The fee must be paid before the issuance or renewal of the license.

4. If a licensee fails to pay the fee for the annual renewal of his license before its expiration, his license may be renewed only upon the payment of a fee one and one-half times the amount otherwise required for renewal. A license may be renewed pursuant to this subsection only if all the fees are paid within 1 year after the date on which the license expired.

5. In addition to the other fees set forth in this section, each applicant or licensee shall pay:

(a) For filing an application for a duplicate copy of any license, upon satisfactory showing of its loss, $10.

(b) For filing any change of information contained in the application, $10.

(c) For each change of association with an escrow agency, $25.

6. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the ~~[State Treasury for credit to the State General Fund.]~~ *Fund for Mortgage Lending created by section 17 of this act.*

Sec. 22. NRS 645A.085 is hereby amended to read as follows:

645A.085 1. An escrow agency shall immediately notify the Commissioner of any change in the ownership of 5 percent or more of its outstanding voting stock.

2. An application must be submitted to the Commissioner, pursuant to NRS 645A.020, by a person who acquires:

(a) At least 25 percent of the outstanding voting stock of an escrow agency; or

(b) Any outstanding voting stock of an escrow agency if the change will result in a change in the control of the escrow agency.

3. Except as otherwise provided in subsection 5, the Commissioner shall conduct an investigation to determine whether the applicant has the experience, character, financial condition, business reputation and general fitness to command the confidence of the public and to warrant the belief that the business conducted will protect and safeguard the public. If the Commissioner denies the application, he may forbid the applicant from participating in the business of the escrow agency.

4. The escrow agency with which the applicant is affiliated shall pay a portion of the cost of the investigation as the Commissioner requires. All money received by the Commissioner pursuant to this section must be ~~[placed in the Investigative Account created pursuant to NRS 232.545.]~~ *deposited in the Fund for Mortgage Lending created by section 17 of this act.*

5. An escrow agency may submit a written request to the Commissioner to waive an investigation pursuant to subsection 3. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his employment with a financial institution.

Sec. 23. NRS 645A.173 is hereby amended to read as follows:

645A.173 1. If an escrow for the sale of real property is established, the holder of the escrow shall, on the date of establishment of the escrow, record in writing the number and the date of expiration of the:

(a) License issued pursuant to chapter 645 of NRS; or

(b) Certificate of cooperation issued pursuant to NRS 645.605,

of any real estate broker, broker-salesman or salesman who will be paid compensation from money held in the escrow for performing the services of a real estate broker, broker-salesman or salesman in the transaction that is the

subject of the escrow. The holder of the escrow is not required to verify independently the validity of the number of the license or certificate.

2. If an escrow for the sale of real property is established and the real property is or will be secured by a mortgage or deed of trust, the holder of the escrow shall, on the date of establishment of the escrow, record in writing the number and the date of expiration of the license issued pursuant to chapter 645B or 645E of NRS of any mortgage broker or mortgage ~~[company]~~ *banker* associated with the mortgage or deed of trust. The holder of the escrow is not required to verify independently the validity of the number of the license.

Sec. 24. Chapter 645B of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 30, inclusive, of this act.

Sec. 25. *1. An advertising spokesperson for a mortgage broker is jointly and severally liable with the mortgage broker for damages caused by the mortgage broker by fraud, embezzlement, misappropriation of property, a violation of the provisions of this chapter or the regulations adopted pursuant thereto, or an action of the mortgage broker that is grounds for disciplinary action, if:*

(a) The advertising spokesperson knew or should have known of the fraud, embezzlement, misappropriation of property, violation of the provisions of this chapter or the regulations adopted pursuant thereto, or action of the mortgage broker that is grounds for disciplinary action; or

(b) In advertising for the mortgage broker, the advertising spokesperson knew or should have known that:

(1) The conduct of the advertising spokesperson was likely to deceive, defraud or harm the public or any person who engaged in business with the mortgage broker; or

(2) The advertising spokesperson was disseminating material information concerning the mortgage broker or the business, products or services of the mortgage broker which was false or misleading.

2. As used in this section:

(a) "Advertising for a mortgage broker" means advertising or otherwise promoting a mortgage broker or the business, products or services of the mortgage broker using any medium of communication.

(b) "Advertising spokesperson for a mortgage broker" or "advertising spokesperson" means a person who consents to and receives compensation for using his name or likeness in advertising for a mortgage broker.

Sec. 26. *A person shall not act as or provide any of the services of a mortgage agent or otherwise engage in, carry on or hold himself out as engaging in or carrying on the activities of a mortgage agent unless the person has a license as a mortgage agent issued pursuant to section 27 of this act.*

Sec. 27. *1. To obtain a license as a mortgage agent, a person must:*

(a) Be a natural person;

(b) File a written application for a license as a mortgage agent with the office of the Commissioner;

(c) Comply with the applicable requirements of this chapter; and

(d) Pay an application fee set by the Commissioner of not more than $185.

2. An application for a license as a mortgage agent must:

(a) Be verified;

(b) State the name and residence address of the applicant;

(c) Include a provision by which the applicant gives his written consent to an investigation of his credit history, criminal history and background;

(d) Include a verified statement from the mortgage broker with whom the applicant will be associated that expresses the intent of that mortgage broker to associate the applicant with the mortgage broker and to be responsible for the activities of the applicant as a mortgage agent; and

(e) Include any other information or supporting materials required pursuant to the regulations adopted by the Commissioner or by an order of the Commissioner. Such information or supporting materials may include, without limitation, a complete set of fingerprints from the person and other forms of identification of the person.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license as a mortgage agent to an applicant if:

(a) The application complies with the applicable requirements of this chapter; and

(b) The applicant:

(1) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude;

(2) Has not had a financial services license suspended or revoked within the immediately preceding 10 years;

(3) Has not made a false statement of material fact on his application;

(4) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner; and

(5) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage agent in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

4. Money received by the Commissioner pursuant to this section must be deposited in the Fund for Mortgage Lending created by section 17 of this act.

Sec. 28. *1. A license as a mortgage agent issued pursuant to section 27 of this act expires 1 year after the date the license is issued, unless it is renewed. To renew a license as a mortgage agent, the holder of the license must submit to the Commissioner each year, on or before the date the license expires:*

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least 10 hours of

certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than $170.

2. If the holder of the license as a mortgage agent fails to submit any item required pursuant to subsection 1 to the Commissioner each year on or before the date the license expires, the license is cancelled. The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $75.

3. To be issued a duplicate copy of a license as a mortgage agent, a person must make a satisfactory showing of its loss and pay a fee of $10.

4. To change the mortgage broker with whom the mortgage agent is associated, a person must pay a fee of $10.

5. Money received by the Commissioner pursuant to this section must be deposited in the Fund for Mortgage Lending created by section 17 of this act.

6. The Commissioner may provide by regulation that any hours of a certified course of continuing education attended during a 12-month period, but not needed to satisfy a requirement set forth in this section for the 12-month period in which the hours were taken, may be used to satisfy a requirement set forth in this section for a later 12-month period.

7. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 29. *1. In addition to any other requirement for the issuance of a license as a mortgage agent pursuant to section 27 of this act, an applicant for the issuance of the license must include his social security number in his application.*

2. In addition to any other requirement for the issuance or renewal of a license as a mortgage agent pursuant to section 27 or 28 of this act, an applicant for the issuance or renewal of the license shall submit to the Commissioner the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

3. The Commissioner shall include the statement required pursuant to subsection 2 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of a license as a mortgage agent; or

(b) A separate form prescribed by the Commissioner.

4. The license as a mortgage agent may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 2; or

(b) Indicates on the statement submitted pursuant to subsection 2 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public

agency enforcing the order for the repayment of the amount owed pursuant to the order.

5. If an applicant indicates on the statement submitted pursuant to subsection 2 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 30. *1. Any mortgage broker or mortgage agent licensed under the provisions of this chapter who is called into the military service of the United States shall, at his request, be relieved from compliance with the provisions of this chapter and placed on inactive status for the period of such military service and for a period of 6 months after discharge therefrom.*

2. At any time within 6 months after termination of such service, if the mortgage broker or mortgage agent complies with the provisions of subsection 1, the mortgage broker or mortgage agent may be reinstated, without having to meet any qualification or requirement other than the payment of the reinstatement fee, as provided in NRS 645B.050 or section 28 of this act, and the mortgage broker or mortgage agent is not required to make payment of the renewal fee for the current year.

3. Any mortgage broker or mortgage agent seeking to qualify for reinstatement, as provided in subsections 1 and 2, must present a certified copy of his honorable discharge or certificate of satisfactory service to the Commissioner.

Sec. 31. NRS 645B.010 is hereby amended to read as follows:

645B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[645B.0103]~~ *645B.0105* to 645B.0135, inclusive, have the meanings ascribed to them in those sections.

Sec. 32. NRS 645B.0105 is hereby amended to read as follows:

645B.0105 "Commissioner" means the Commissioner of ~~[Financial Institutions.]~~ *Mortgage Lending.*

Sec. 33. NRS 645B.0111 is hereby amended to read as follows:

645B.0111 "Division" means the Division of ~~[Financial Institutions]~~ *Mortgage Lending* of the Department of Business and Industry.

Sec. 34. NRS 645B.0123 is hereby amended to read as follows:

645B.0123 "Licensee" means a person who is licensed as a mortgage broker pursuant to this chapter. *The term does not include a person issued a license as a mortgage agent pursuant to section 27 of this act.*

Sec. 35. NRS 645B.0127 is hereby amended to read as follows:

645B.0127 1. "Mortgage broker" means a person who, directly or indirectly:

(a) Holds himself out for hire to serve as an agent for any person in an attempt to obtain a loan which will be secured by a lien on real property;

(b) Holds himself out for hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;

(c) Holds himself out as being able to make loans secured by liens on real property;

(d) Holds himself out as being able to buy or sell notes secured by liens on real property; or

(e) Offers for sale in this state any security which is exempt from registration under state or federal law and purports to make investments in promissory notes secured by liens on real property.

2. The term does not include a person who is licensed as a mortgage ~~[company,]~~ *banker,* as defined in NRS 645E.100, unless the person is also licensed as a mortgage broker pursuant to this chapter.

Sec. 36. NRS 645B.015 is hereby amended to read as follows:

645B.015 Except as otherwise provided in NRS 645B.016, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this state, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, consumer finance companies, industrial loan companies, credit unions, thrift companies or insurance companies, unless the business conducted in this state is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this state is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law.

5. A real estate broker rendering services in the performance of his duties as a real estate broker.

6. Except as otherwise provided in this subsection and NRS 645B.690, any firm or corporation ~~[:~~

~~(a) Whose principal]~~ *, or wholly owned subsidiary thereof, the sole* purpose or activity *of which* is lending money on real property ~~[which is]~~ secured by a mortgage ~~[;~~

~~(b) Approved]~~ *pursuant to approvals* by the Federal National Mortgage Association *,* ~~[as a seller and servicer; and~~

~~(c) Approved by]~~ the Department of Housing and Urban Development and the Department of Veterans Affairs. A firm or corporation is not exempt from the provisions of this chapter pursuant to this subsection if it maintains any accounts described in subsection 1 of NRS 645B.175 or if it offers for sale in this state any unregistered security under state or federal law and purports to make investments in promissory notes secured by liens on real

property. A firm or corporation which is exempted pursuant to this subsection must submit annually as a condition of its continued exemption a certified statement by an independent certified public accountant that the firm or corporation does not maintain any such accounts. This subsection does not prohibit an exempt firm or corporation from maintaining accounts described in NRS 645B.170 and subsection 4 of NRS 645B.175.

7. Any person doing any act under an order of any court.

8. Any one natural person, or husband and wife, who provides money for investment in loans secured by a lien on real property, on his own account, unless such a person makes a loan secured by a lien on real property using his own money and assigns all or a part of his interest in the loan to another person, other than his spouse or child, within 5 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

9. Agencies of the United States and of this state and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

Sec. 37. NRS 645B.016 is hereby amended to read as follows:

645B.016 Except as otherwise provided in NRS 645B.690:

1. A person who claims an exemption from the provisions of this chapter pursuant to subsection 1 or 6 of NRS 645B.015 must:

(a) File a written application for a certificate of exemption with the office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645B.050; and

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 or 6 of NRS 645B.015.

2. The Commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to 5, inclusive, or 7 to 10, inclusive, of NRS 645B.015 to:

(a) File a written application for a certificate of exemption with the office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645B.050; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

3. A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645B.015.

4. If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage broker *or mortgage agent* or otherwise engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage broker ~~[,]~~ *or mortgage agent* unless the person applies for and is issued:

(a) A license as a mortgage broker *or mortgage agent, as applicable,* pursuant to this chapter; or

(b) Another certificate of exemption.

5. The Commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that he commits, if the person:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the person possesses and which, if submitted by him, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

Sec. 38. NRS 645B.035 is hereby amended to read as follows:

645B.035 1. A license *as a mortgage broker* entitles a licensee to engage only in the activities authorized by this chapter.

2. The provisions of this chapter do not prohibit a licensee from:

(a) Holding a license as a mortgage ~~[company]~~ *banker* pursuant to chapter 645E of NRS; or

(b) Conducting the business of a mortgage ~~[company]~~ *banker* and the business of a mortgage broker in the same office or place of business.

Sec. 39. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license *as a mortgage broker* issued pursuant to this chapter expires each year on June 30, unless it is renewed. To renew *such* a license, the licensee must submit to the Commissioner on or before ~~[June 30]~~ *May 31* of each year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) If the licensee is a natural person, the statement required pursuant to NRS 645B.023; and

(d) The information required pursuant to NRS 645B.051.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or before ~~[June 30]~~ *May 31* of any year, the license is cancelled ~~[.]~~ *as of June 30 of that year.* The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) If the licensee is a natural person, the statement required pursuant to NRS 645B.023;

(d) The information required pursuant to NRS 645B.051; and

(e) Except as otherwise provided in this section, a reinstatement fee of $200.

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must

submit to the Commissioner on or before ~~[December 31]~~ *November 30* of each year:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or before ~~[December 31]~~ *November 30* of any year, the certificate of exemption is cancelled ~~[.]~~ *as of December 31 of that year.* Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of $100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:

(a) To file an original application or a license, $1,500 for the principal office and $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. ~~[All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account created by NRS 232.545.]~~

(b) To be issued a license, $1,000 for the principal office and $60 for each branch office.

(c) To renew a license, $500 for the principal office and $100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, $200.

(b) To renew a certificate of exemption, $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the ~~[State Treasury for credit to the State General Fund.]~~ *Fund for Mortgage Lending created by section 17 of this act.*

9. The Commissioner may, by regulation, increase any fee set forth in this section if the Commissioner determines that such an increase is necessary for the Commissioner to carry out his duties pursuant to this

chapter. The amount of any increase in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his duties pursuant to this chapter.

Sec. 40. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license *as a mortgage broker* issued pursuant to this chapter expires each year on June 30, unless it is renewed. To renew *such* a license, the licensee must submit to the Commissioner on or before ~~[June 30]~~ *May 31* of each year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) The information required pursuant to NRS 645B.051.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or before ~~[June 30]~~ *May 31* of any year, the license is cancelled ~~[.]~~ *as of June 30 of that year.* The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051; and

(d) Except as otherwise provided in this section, a reinstatement fee of $200.

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or before ~~[December 31]~~ *November 30* of each year:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or before ~~[December 31]~~ *November 30* of any year, the certificate of exemption is cancelled ~~[.]~~ *as of December 31 of that year.* Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of $100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:

(a) To file an original application for a license, $1,500 for the principal office and $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. ~~[All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account created by NRS 232.545.]~~

(b) To be issued a license, $1,000 for the principal office and $60 for each branch office.

(c) To renew a license, $500 for the principal office and $100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, $200.

(b) To renew a certificate of exemption, $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the ~~[State Treasury for credit to the State General Fund.]~~ *Fund for Mortgage Lending created by section 17 of this act.*

9. The Commissioner may, by regulation, increase any fee set forth in this section if the Commissioner determines that such an increase is necessary for the Commissioner to carry out his duties pursuant to this chapter. The amount of any increase in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his duties pursuant to this chapter.

Sec. 41. NRS 645B.051 is hereby amended to read as follows:

645B.051 1. ~~[In]~~ *Except as otherwise provided in this section, in* addition to the requirements set forth in NRS 645B.050, to renew a license ~~[:]~~ *as a mortgage broker:*

(a) If the licensee is a natural person, the licensee must submit to the Commissioner satisfactory proof that the licensee attended at least ~~[5]~~ *10* hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

(b) If the licensee is not a natural person, the licensee must submit to the Commissioner satisfactory proof that each natural person who supervises the daily business of the licensee attended at least ~~[5]~~ *10* hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

2. *The Commissioner may provide by regulation that any hours of a certified course of continuing education attended during a 12-month period, but not needed to satisfy a requirement set forth in this section for the 12-month period in which the course was taken, may be used to satisfy a requirement set forth in this section for a later 12-month period.*

3. As used in this section, "certified course of continuing education" means a course of continuing education which relates to the mortgage industry or mortgage transactions and which is ~~[:~~

~~(a) Certified by the~~] *certified by:*

(a) The National Association of Mortgage Brokers or any successor in interest to that organization; or

(b) ~~[Certified in a manner established by the Commissioner, if the National Association of Mortgage Brokers or any successor in interest to that organization ceases to exist.]~~ *Any organization designated for this purpose by the Commissioner by regulation.*

Sec. 42. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers *and mortgage agents* doing business in this state.

2. In addition to the other duties imposed upon him by law, the Commissioner shall:

(a) Adopt any regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

(b) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(c) Conduct an annual examination of each mortgage broker doing business in this state. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until any objections made by the mortgage broker have been decided by the Commissioner.

(d) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary and proper for the efficient administration of the laws of this state regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

(e) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by the Legislative Auditor.

(f) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers *and mortgage agents* meet the requirements of

this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker *or mortgage agent* shall pay a fee based on the rate established pursuant to ~~[NRS 658.101.]~~ *section 15 of this act.*

Sec. 43. NRS 645B.450 is hereby amended to read as follows:

645B.450 1. ~~[A person shall not act as or provide any of the services of a mortgage agent or otherwise engage in, carry on or hold himself out as engaging in or carrying on the activities of a mortgage agent if the person:~~

~~(a) Has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude; or~~

~~(b) Has had a financial services license or registration suspended or revoked within the immediately preceding 10 years.~~

~~2.]~~ A *person licensed as a* mortgage agent *pursuant to the provisions of section 27 of this act* may not be associated with or employed by more than one mortgage broker at the same time.

~~[3. A mortgage broker shall register with the Division each person who will be associated with or employed by the mortgage broker as a mortgage agent. A mortgage broker shall register each such person with the Division when the person begins his association or employment with the mortgage broker and annually thereafter. A registration expires 12 months after its effective date.~~

~~4. To register a person as a mortgage agent, a mortgage broker must :~~

~~(a) Submit to the Division a registration form which is provided by the Division and which:~~

~~(1) States the name, residence address and business address of the person;~~

~~(2) Is signed by the person;~~

~~(3) Includes a provision by which the person gives his written consent to an investigation of his credit history, criminal history and background; and~~

~~(4) Includes any other information or supporting materials required by the regulations adopted by the Commissioner. Such information or supporting materials may include, without limitation, a complete set of fingerprints from the person, the social security number of the person and other forms of identification of the person.~~

~~(b) For each initial registration, pay the actual costs and expenses incurred by the Division to investigate the credit history, criminal history and background of the person. All money received pursuant to this paragraph must be placed in the Investigative Account created by NRS 232.545.~~

~~(c) For each annual registration, submit to the Division satisfactory proof that the person attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the registration expires.~~

~~5. Not later than the date on which the mortgage broker submits the information for annual registration required by subsection 4, the person being~~

~~registered shall pay an annual registration fee of $125. If the person does not pay the annual registration fee, the person shall be deemed to be unregistered for the purposes of this chapter.~~

~~6.~~] *2.* A mortgage broker shall not *associate with or* employ a person as a mortgage agent or authorize a person to be associated with the mortgage broker as a mortgage agent if the mortgage ~~[broker has not registered the person]~~ *agent is not licensed* with the Division pursuant to ~~[this section or if the person:~~

~~(a) Has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude; or~~

~~(b) Has had a financial services license or registration suspended or revoked within the immediately preceding 10 years.~~

~~7.~~] *section 27 of this act.*

3. If a mortgage agent terminates his association or employment with a mortgage broker for any reason, the mortgage broker shall, not later than the third business day following the date of termination:

(a) Deliver to the mortgage agent or send by certified mail to the last known residence address of the mortgage agent a written statement which advises him that his termination is being reported to the Division; and

(b) Deliver or send by certified mail to the Division:

(1) *The license or license number of the mortgage agent;*

(2) A written statement of the circumstances surrounding the termination; and

~~[(2)]~~ *(3)* A copy of the written statement that the mortgage broker delivers or mails to the mortgage agent pursuant to paragraph (a).

~~[8. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.]~~

Sec. 44. NRS 645B.620 is hereby amended to read as follows:

645B.620 1. Whether or not a complaint has been filed, the Commissioner shall investigate a mortgage broker *, mortgage agent* or other person if, for any reason, it appears that:

(a) The mortgage broker *or mortgage agent* is conducting business in an unsafe and injurious manner or in violation of any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(b) The person is offering or providing any of the services of a mortgage broker *or mortgage agent* or otherwise engaging in, carrying on or holding himself out as engaging in or carrying on the business of a mortgage broker *or mortgage agent* without being *appropriately* licensed or exempt from licensing pursuant to the provisions of this chapter; or

(c) The person is violating any other provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

2. If, upon investigation, the Commissioner has reasonable cause to believe that the mortgage broker *, mortgage agent* or other person has engaged in any conduct or committed any violation described in subsection 1:

(a) The Commissioner shall notify the Attorney General of the conduct or violation and, if applicable, the Commissioner shall immediately take possession of the property of the mortgage broker pursuant to NRS 645B.630; and

(b) The Attorney General shall, if appropriate:

(1) Investigate and prosecute the mortgage broker *, mortgage agent* or other person pursuant to NRS 645B.800; and

(2) Bring a civil action to:

(I) Enjoin the mortgage broker *, mortgage agent* or other person from engaging in the conduct, operating the business or committing the violation; and

(II) Enjoin any other person who has encouraged, facilitated, aided or participated in the conduct, the operation of the business or the commission of the violation, or who is likely to engage in such acts, from engaging in or continuing to engage in such acts.

3. If the Attorney General brings a civil action pursuant to subsection 2, the district court of any county of this state is hereby vested with the jurisdiction in equity to enjoin the conduct, the operation of the business or the commission of the violation and may grant any injunctions that are necessary to prevent and restrain the conduct, the operation of the business or the commission of the violation. During the pendency of the proceedings before the district court:

(a) The court may issue any temporary restraining orders as may appear to be just and proper;

(b) The findings of the Commissioner shall be deemed to be prima facie evidence and sufficient grounds, in the discretion of the court, for the ex parte issuance of a temporary restraining order; and

(c) The Attorney General may apply for and on due showing is entitled to have issued the court's subpoena requiring forthwith the appearance of any person to:

(1) Produce any documents, books and records as may appear necessary for the hearing of the petition; and

(2) Testify and give evidence concerning the conduct complained of in the petition.

Sec. 45. NRS 645B.670 is hereby amended to read as follows:

645B.670 Except as otherwise provided in NRS 645B.690:

1. For each violation committed by an applicant ~~[,]~~ *for a license issued pursuant to this chapter,* whether or not he is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $10,000, if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by him, would have

rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his application for a license or during the course of the investigation of his application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than $10,000, may suspend, revoke or place conditions upon his license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which he is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that he cannot continue in business with safety to his customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by him, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his own or has converted the money or property of others to his own use;

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(p) Has repeatedly violated the policies and procedures of the mortgage broker;

(q) Has failed to exercise reasonable supervision over the activities of a mortgage agent as required by NRS 645B.460;

(r) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(s) Has employed a person as a mortgage agent or authorized a person to be associated with the licensee as a mortgage agent at a time when the licensee knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(1) Had been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude; or

(2) Had a financial services license or registration suspended or revoked within the immediately preceding 10 years; or

(t) Has not conducted verifiable business as a mortgage broker for 12 consecutive months, except in the case of a new applicant. The Commissioner shall determine whether a mortgage broker is conducting business by examining the monthly reports of activity submitted by the licensee or by conducting an examination of the licensee.

Sec. 46. NRS 645B.680 is hereby amended to read as follows:

645B.680 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a mortgage broker ~~[,]~~ *or mortgage agent,* the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a license as a mortgage broker *or mortgage agent* that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 47. NRS 645B.690 is hereby amended to read as follows:

645B.690 1. If a person offers or provides any of the services of a mortgage broker *or mortgage agent* or otherwise engages in, carries on or

holds himself out as engaging in or carrying on the business of a mortgage broker *or mortgage agent* and, at the time:

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license; or

(b) The person's license was suspended or revoked pursuant to this chapter, the Commissioner shall impose upon the person an administrative fine of not more than $10,000 for each violation and, if the person has a license, the Commissioner shall revoke it.

2. If a person is exempt from the provisions of this chapter pursuant to subsection 6 of NRS 645B.015 and the person, while exempt, maintains, offers to maintain or holds himself out as maintaining any accounts described in subsection 1 of NRS 645B.175 or otherwise engages in, offers to engage in or holds himself out as engaging in any activity that would remove the person from the exemption set forth in subsection 6 of NRS 645B.015, the Commissioner shall impose upon the person an administrative fine of not more than $10,000 for each violation and the Commissioner shall revoke the person's exemption. If the Commissioner revokes an exemption pursuant to this subsection, the person may not again be granted the same or a similar exemption from the provisions of this chapter. The person may apply for a license pursuant to this chapter unless otherwise prohibited by specific statute.

3. If a mortgage broker violates any provision of subsection 1 of NRS 645B.080 and the mortgage broker fails, without reasonable cause, to remedy the violation within 20 business days after being ordered by the Commissioner to do so or within such later time as prescribed by the Commissioner, or if the Commissioner orders a mortgage broker to provide information, make a report or permit an examination of his books or affairs pursuant to this chapter and the mortgage broker fails, without reasonable cause, to comply with the order within 20 business days or within such later time as prescribed by the Commissioner, the Commissioner shall:

(a) Impose upon the mortgage broker an administrative fine of not more than $10,000 for each violation;

(b) Suspend or revoke the license of the mortgage broker; and

(c) Conduct a hearing to determine whether the mortgage broker is conducting business in an unsafe and injurious manner that may result in danger to the public and whether it is necessary for the Commissioner to take possession of the property of the mortgage broker pursuant to NRS 645B.630.

Sec. 48. NRS 645B.900 is hereby amended to read as follows:

645B.900 It is unlawful for any person to offer or provide any of the services of a mortgage broker *or mortgage agent* or otherwise to engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage broker *or mortgage agent* without first obtaining ~~[a license as a mortgage broker]~~ *the applicable license issued* pursuant to this chapter, unless the person:

1. Is exempt from the provisions of this chapter; and

2. Complies with the requirements for that exemption.

Sec. 48.5. NRS 645E.020 is hereby amended to read as follows:

645E.020 "Applicant" means a person who applies for licensure as a mortgage ~~[company]~~ *banker* pursuant to this chapter.

Sec. 49. NRS 645E.050 is hereby amended to read as follows:

645E.050 "Commissioner" means the Commissioner of ~~[Financial Institutions.]~~ *Mortgage Lending.*

Sec. 50. NRS 645E.070 is hereby amended to read as follows:

645E.070 "Division" means the Division of ~~[Financial Institutions]~~ *Mortgage Lending* of the Department of Business and Industry.

Sec. 51. NRS 645E.090 is hereby amended to read as follows:

645E.090 "Licensee" means a person who is licensed as a mortgage ~~[company]~~ *banker* pursuant to this chapter.

Sec. 52. NRS 645E.100 is hereby amended to read as follows:

645E.100 1. "Mortgage ~~[company"]~~ *banker"* means any of the following:

(a) A person who, directly or indirectly:

(1) Holds himself out as being able to:

(I) Buy or sell notes secured by liens on real property; or

(II) Make loans secured by liens on real property using his own money; and

(2) Does not engage in any other act or transaction described in the definition of "mortgage broker," as set forth in NRS 645B.0127, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

(b) A person who, directly or indirectly:

(1) Negotiates, originates or makes or offers to negotiate, originate or make commercial mortgage loans as an agent for or on behalf of an institutional investor; and

(2) Does not engage in any other act or transaction described in the definition of "mortgage broker," as set forth in NRS 645B.0127, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

2. For the purposes of this section, a person does not make a loan secured by a lien on real property using his own money if any portion of the money that is used to make the loan is provided by another person who acquires ownership of or a beneficial interest in the loan.

Sec. 53. NRS 645E.130 is hereby amended to read as follows:

645E.130 The provisions of this chapter do not:

1. Limit any statutory or common-law right of a person to bring a civil action against a mortgage ~~[company]~~ *banker* for any act or omission involved in the transaction of business by or on behalf of the mortgage ~~[company;]~~ *banker;*

2. Limit the right of the State to punish a person for the violation of any law, ordinance or regulation; or

3. Establish a basis for a person to bring a civil action against the State or its officers or employees for any act or omission in carrying out the provisions of this chapter, including, without limitation, any act or omission relating to the disclosure of information or the failure to disclose information pursuant to the provisions of this chapter.

Sec. 54. NRS 645E.150 is hereby amended to read as follows:

645E.150 Except as otherwise provided in NRS 645E.160, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this state, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, consumer finance companies, industrial loan companies, credit unions, thrift companies or insurance companies, unless the business conducted in this state is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this state is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law.

5. A real estate broker rendering services in the performance of his duties as a real estate broker.

6. Any firm or corporation ~~[:~~

~~(a) Whose principal]~~ *, or wholly owned subsidiary thereof, the sole* purpose or activity *of which* is lending money on real property ~~[which is]~~ secured by a mortgage ~~[;~~

~~(b) Approved]~~ *pursuant to approvals* by the Federal National Mortgage Association *,* ~~[as a seller and servicer; and~~

~~(c) Approved by]~~ the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. Any person doing any act under an order of any court.

8. Any one natural person, or husband and wife, who provides money for investment in loans secured by a lien on real property, on his own account, unless such a person makes a loan secured by a lien on real property using his own money and assigns all or a part of his interest in the loan to another person, other than his spouse or child, within 5 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

9. Agencies of the United States and of this state and its political subdivisions, including the public employees' retirement system.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

Sec. 55. NRS 645E.160 is hereby amended to read as follows:

645E.160 1. A person who claims an exemption from the provisions of this chapter pursuant to subsection 1 or 6 of NRS 645E.150 must:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645E.280; and

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 or 6 of NRS 645E.150.

2. The Commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to 5, inclusive, or 7 to 10, inclusive, of NRS 645E.150 to:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645E.280; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

3. A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645E.150.

4. If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage ~~[company]~~ *banker* or otherwise engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage ~~[company,]~~ *banker,* unless the person applies for and is issued:

(a) A license as a mortgage ~~[company]~~ *banker* pursuant to this chapter; or

(b) Another certificate of exemption.

5. The Commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that he commits, if the person:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the person possesses and which, if submitted by him, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

Sec. 56. NRS 645E.200 is hereby amended to read as follows:

645E.200 1. A person who wishes to be licensed as a mortgage ~~[company]~~ *banker* must file a written application for a license with the Office

of the Commissioner and pay the fee required pursuant to NRS 645E.280. An application for a license as a mortgage ~~[company]~~ *banker* must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage ~~[company]~~ *banker* will conduct business in this state, including, without limitation, any office or other place of business located outside this state from which the mortgage ~~[company]~~ *banker* will conduct business in this state.

(c) State the name under which the applicant will conduct business as a mortgage ~~[company.]~~ *banker*.

(d) If the applicant is not a natural person, list the name, residence address and business address of each person who will have an interest in the mortgage ~~[company]~~ *banker* as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(e) Indicate the general plan and character of the business.

(f) State the length of time the applicant has been engaged in the business of a mortgage ~~[company.]~~ *banker*.

(g) Include a financial statement of the applicant.

(h) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage ~~[company]~~ *banker* will conduct business in this state at one or more branch offices, the mortgage ~~[company]~~ *banker* must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage ~~[company]~~ *banker* if:

(a) The application complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage ~~[company]~~ *banker* in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645B of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645B of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. If an applicant is a partnership, corporation or unincorporated association, the Commissioner may refuse to issue a license to the applicant if any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for refusing to issue a license to a natural person.

5. A person may apply for a license for an office or other place of business located outside this state from which the applicant will conduct business in this state if the applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this state and if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this state the books, accounts, papers, records and files of the office or place of business located outside this state to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this state. The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 57. NRS 645E.210 is hereby amended to read as follows:

645E.210 1. In addition to the requirements set forth in NRS 645E.200 and 645E.280, a natural person who applies for the issuance or renewal of a license as a mortgage ~~[company]~~ *banker* shall submit to the Commissioner:

(a) In any application for issuance of a license, the social security number of the applicant and the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

(b) In any application for renewal of a license, the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. The Commissioner shall not issue or renew a license as a mortgage ~~[company]~~ *banker* if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public

agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 58. NRS 645E.220 is hereby amended to read as follows:

645E.220 1. A mortgage ~~[company]~~ *banker* shall post each license in a conspicuous place in the office for which the license has been issued.

2. A mortgage ~~[company]~~ *banker* may not transfer or assign a license to another person, unless the Commissioner gives his written approval.

Sec. 59. NRS 645E.230 is hereby amended to read as follows:

645E.230 1. A license entitles a licensee to engage only in the activities authorized by this chapter.

2. The provisions of this chapter do not prohibit a licensee from:

(a) Holding a license as a mortgage broker pursuant to chapter 645B of NRS; or

(b) Conducting the business of a mortgage ~~[company]~~ *banker* and the business of a mortgage broker in the same office or place of business.

Sec. 60. NRS 645E.280 is hereby amended to read as follows:

645E.280 1. A license issued to a mortgage ~~[company]~~ *banker* pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a license, the licensee must submit to the Commissioner on or before December 31 of each year:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the license pursuant to this section.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or before December 31 of any year, the license is cancelled. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $200.

3. Except as otherwise provided in NRS 645E.160, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or before December 31 of each year:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or before December 31 of any year, the certificate of exemption is cancelled. Except as otherwise provided in NRS 645E.160, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) A reinstatement fee of $100.

5. A person must pay the following fees to apply for, to be issued or to renew a license as a mortgage ~~[company]~~ *banker* pursuant to this chapter:

(a) To file an original application for a license, $1,500 for the principal office and $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. ~~[All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account created by NRS 232.545.]~~

(b) To be issued a license, $1,000 for the principal office and $60 for each branch office.

(c) To renew a license, $500 for the principal office and $100 for each branch office.

6. A person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, $200.

(b) To renew a certificate of exemption, $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the ~~[State Treasury for credit to the State General Fund.]~~ *Fund for Mortgage Lending created by section 17 of this act.*

Sec. 61. NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage ~~[companies]~~ *bankers* doing business in this state.

2. In addition to the other duties imposed upon him by law, the Commissioner shall:

(a) Adopt any regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(b) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(c) Conduct an annual examination of each mortgage ~~[company]~~ *banker* doing business in this state.

(d) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary and proper for the efficient administration of the laws of this state regarding mortgage ~~[companies.]~~ *bankers.*

(e) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by the Legislative Auditor.

(f) Conduct such examinations and investigations as are necessary to ensure that mortgage ~~[companies]~~ *bankers* meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage ~~[company]~~ *banker* shall pay a fee based on the rate established pursuant to ~~[NRS 658.101.]~~ *section 15 of this act.*

Sec. 62. NRS 645E.320 is hereby amended to read as follows:

645E.320 Each mortgage ~~[company]~~ *banker* shall pay the assessment levied pursuant to ~~[NRS 658.055]~~ *section 12 of this act* and cooperate fully with the audits and examinations performed pursuant thereto.

Sec. 63. NRS 645E.350 is hereby amended to read as follows:

645E.350 1. Each mortgage ~~[company]~~ *banker* shall keep and maintain at all times at each location where the mortgage ~~[company]~~ *banker* conducts business in this state complete and suitable records of all mortgage transactions made by the mortgage ~~[company]~~ *banker* at that location. Each mortgage ~~[company]~~ *banker* shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage ~~[company.]~~ *banker.*

2. Each mortgage ~~[company]~~ *banker* shall submit to the Commissioner each month a report of the mortgage ~~[company's]~~ *banker's* activity for the previous month. The report must:

(a) Specify the volume of loans made by the mortgage ~~[company]~~ *banker* for the month or state that no loans were made in that month;

(b) Include any information required pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. The Commissioner may adopt regulations prescribing accounting procedures for mortgage ~~[companies]~~ *bankers* handling trust accounts and the requirements for keeping records relating to such accounts.

4. A licensee who operates outside this state an office or other place of business which is licensed pursuant to this chapter shall:

(a) Make available at a location within this state the books, accounts, papers, records and files of the office or place of business located outside this state to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this state.

The licensee must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 64. NRS 645E.360 is hereby amended to read as follows:

645E.360 1. Except as otherwise provided in this section, not later than 60 days after the last day of each fiscal year for a mortgage ~~[company,]~~ *banker,* the mortgage ~~[company]~~ *banker* shall submit to the Commissioner a financial statement that:

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage ~~[company]~~ *banker* by an independent public accountant who holds a permit to engage in the practice of public accounting in this state that has not been revoked or suspended.

2. The Commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage ~~[company]~~ *banker* requests such an extension before the date on which the financial statement is due.

3. If a mortgage ~~[company]~~ *banker* maintains any accounts described in NRS 645E.430, the financial statement submitted pursuant to this section must be audited. The public accountant who prepares the report of an audit shall submit a copy of the report to the Commissioner at the same time that he submits the report to the mortgage ~~[company.]~~ *banker.*

4. The Commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 65. NRS 645E.370 is hereby amended to read as follows:

645E.370 1. Except as otherwise provided in this section or by specific statute, all papers, documents, reports and other written instruments filed with the Commissioner pursuant to this chapter are open to public inspection.

2. The Commissioner may withhold from public inspection or refuse to disclose to a person, for such time as the Commissioner considers necessary, any information that, in his judgment, would:

(a) Impede or otherwise interfere with an investigation that is currently pending against a mortgage ~~[company;]~~ *banker;* or

(b) Have an undesirable effect on the welfare of the public or the welfare of any mortgage ~~[company.]~~ *banker.*

Sec. 66. NRS 645E.390 is hereby amended to read as follows:

645E.390 1. The Commissioner must be notified of a transfer of 5 percent or more of the outstanding voting stock of a mortgage ~~[company]~~ *banker* and must approve a transfer of voting stock of a mortgage ~~[company]~~ *banker* which constitutes a change of control.

2. The person who acquires stock resulting in a change of control of the mortgage ~~[company]~~ *banker* shall apply to the Commissioner for approval of

the transfer. The application must contain information which shows that the requirements of this chapter for obtaining a license will be satisfied after the change of control. Except as otherwise provided in subsection 3, the Commissioner shall conduct an investigation to determine whether those requirements will be satisfied. If, after the investigation, the Commissioner denies the application, he may forbid the applicant from participating in the business of the mortgage ~~[company.]~~ *banker*.

3. A mortgage ~~[company]~~ *banker* may submit a written request to the Commissioner to waive an investigation pursuant to subsection 2. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his employment with a financial institution.

4. As used in this section, "change of control" means:

(a) A transfer of voting stock which results in giving a person, directly or indirectly, the power to direct the management and policy of a mortgage ~~[company;]~~ *banker;* or

(b) A transfer of at least 25 percent of the outstanding voting stock of a mortgage ~~[company.]~~ *banker*.

Sec. 67. NRS 645E.420 is hereby amended to read as follows:

645E.420 1. Except as otherwise provided in subsection 3, the amount of any advance fee, salary, deposit or money paid to any mortgage ~~[company]~~ *banker* or other person to obtain a loan secured by a lien on real property must be placed in escrow pending completion of the loan or a commitment for the loan.

2. The amount held in escrow pursuant to subsection 1 must be released:

(a) Upon completion of the loan or commitment for the loan, to the mortgage ~~[company]~~ *banker* or other person to whom the advance fee, salary, deposit or money was paid.

(b) If the loan or commitment for the loan fails, to the person who made the payment.

3. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsections 1 and 2 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in NRS 645E.960.

Sec. 68. NRS 645E.430 is hereby amended to read as follows:

645E.430 1. All money paid to a mortgage ~~[company]~~ *banker* for payment of taxes or insurance premiums on real property which secures any loan made by the mortgage ~~[company]~~ *banker* must be deposited in an insured depository financial institution and kept separate, distinct and apart from money belonging to the mortgage ~~[company.]~~ *banker*. Such money, when deposited, is to be designated as an "impound trust account" or under

some other appropriate name indicating that the accounts are not the money of the mortgage ~~[company.]~~ *banker*.

2. The mortgage ~~[company]~~ *banker* has a fiduciary duty to each debtor with respect to the money in an impound trust account.

3. The mortgage ~~[company]~~ *banker* shall, upon reasonable notice, account to any debtor whose real property secures a loan made by the mortgage ~~[company]~~ *banker* for any money which that person has paid to the mortgage ~~[company]~~ *banker* for the payment of taxes or insurance premiums on the real property.

4. The mortgage ~~[company]~~ *banker* shall, upon reasonable notice, account to the Commissioner for all money in an impound trust account.

5. A mortgage ~~[company]~~ *banker* shall:

(a) Require contributions to an impound trust account in an amount reasonably necessary to pay the obligations as they become due.

(b) Within 30 days after the completion of the annual review of an impound trust account, notify the debtor:

(1) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(2) That the debtor may specify the disposition of the excess money within 20 days after receipt of the notice. If the debtor fails to specify such a disposition within that time, the mortgage ~~[company]~~ *banker* shall maintain the excess money in the account. This subsection does not prohibit a mortgage ~~[company]~~ *banker* from requiring additional amounts to be paid into an impound trust account to recover a deficiency that exists in the account.

6. A mortgage ~~[company]~~ *banker* shall not make payments from an impound trust account in a manner that causes a policy of insurance to be cancelled or causes property taxes or similar payments to become delinquent.

Sec. 69. NRS 645E.440 is hereby amended to read as follows:

645E.440 1. Money in an impound trust account is not subject to execution or attachment on any claim against the mortgage ~~[company.]~~ *banker*.

2. It is unlawful for a mortgage ~~[company]~~ *banker* knowingly to keep or cause to be kept any money in a depository financial institution under the heading of "impound trust account" or any other name designating such money as belonging to the debtors of the mortgage ~~[company,]~~ *banker,* unless the money has been paid to the mortgage ~~[company]~~ *banker* by a debtor pursuant to NRS 645E.430 and is being held in trust by the mortgage ~~[company]~~ *banker* pursuant to the provisions of that section.

Sec. 70. NRS 645E.470 is hereby amended to read as follows:

645E.470 1. If a person is required to make a payment to a mortgage ~~[company]~~ *banker* pursuant to the terms of a loan secured by a lien on real property, the mortgage ~~[company]~~ *banker* may not charge the person a late fee, an additional amount of interest or any other penalty in connection with

that payment if the payment is delivered to the mortgage ~~[company]~~ *banker* before 5 p.m. on:

(a) The day that the payment is due pursuant to the terms of the loan, if an office of the mortgage ~~[company]~~ *banker* is open to customers until 5 p.m. on that day; or

(b) The next day that an office of the mortgage ~~[company]~~ *banker* is open to customers until 5 p.m., if the provisions of paragraph (a) do not otherwise apply.

2. A person and a mortgage ~~[company]~~ *banker* may not agree to alter or waive the provisions of this section by contract or other agreement, and any such contract or agreement is void and must not be given effect to the extent that it violates the provisions of this section.

Sec. 71. NRS 645E.620 is hereby amended to read as follows:

645E.620 1. Whether or not a complaint has been filed, the Commissioner may investigate a mortgage ~~[company]~~ *banker* or other person if, for any reason, it appears that:

(a) The mortgage ~~[company]~~ *banker* is conducting business in an unsafe and injurious manner or in violation of any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(b) The person is offering or providing any of the services of a mortgage ~~[company]~~ *banker* or otherwise engaging in, carrying on or holding himself out as engaging in or carrying on the business of a mortgage ~~[company]~~ *banker* without being licensed or exempt from licensing pursuant to the provisions of this chapter; or

(c) The person is violating any other provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

2. If, upon investigation, the Commissioner has reasonable cause to believe that the mortgage ~~[company]~~ *banker* or other person has engaged in any conduct or committed any violation described in subsection 1, the Commissioner may:

(a) Advise the district attorney of the county in which the conduct or violation occurred, and the district attorney shall cause the appropriate legal action to be taken against the mortgage ~~[company]~~ *banker* or other person to enjoin the conduct or the operation of the business or prosecute the violation; and

(b) Bring a civil action to:

(1) Enjoin the mortgage ~~[company]~~ *banker* or other person from engaging in the conduct, operating the business or committing the violation; and

(2) Enjoin any other person who has encouraged, facilitated, aided or participated in the conduct, the operation of the business or the commission of the violation, or who is likely to engage in such acts, from engaging in or continuing to engage in such acts.

3. If the Commissioner brings a civil action pursuant to subsection 2, the district court of any county of this state is hereby vested with the jurisdiction

in equity to enjoin the conduct, the operation of the business or the commission of the violation and may grant any injunctions that are necessary to prevent and restrain the conduct, the operation of the business or the commission of the violation. During the pendency of the proceedings before the district court:

(a) The court may issue any temporary restraining orders as may appear to be just and proper;

(b) The findings of the Commissioner shall be deemed to be prima facie evidence and sufficient grounds, in the discretion of the court, for the ex parte issuance of a temporary restraining order; and

(c) The Commissioner may apply for and on due showing is entitled to have issued the court's subpoena requiring forthwith the appearance of any person to:

(1) Produce any documents, books and records as may appear necessary for the hearing of the petition; and

(2) Testify and give evidence concerning the conduct complained of in the petition.

Sec. 72. NRS 645E.630 is hereby amended to read as follows:

645E.630 1. In addition to any other action that is permitted pursuant to this chapter, if the Commissioner has reasonable cause to believe that:

(a) The assets or capital of a mortgage ~~[company]~~ *banker* are impaired; or

(b) A mortgage ~~[company]~~ *banker* is conducting business in an unsafe and injurious manner that may result in danger to the public,

the Commissioner may immediately take possession of all the property, business and assets of the mortgage ~~[company]~~ *banker* that are located in this state and retain possession of them pending further proceedings provided for in this chapter.

2. If the licensee, the board of directors or any officer or person in charge of the offices of the mortgage ~~[company]~~ *banker* refuses to permit the Commissioner to take possession of the property of the mortgage ~~[company]~~ *banker* pursuant to subsection 1:

(a) The Commissioner shall notify the Attorney General; and

(b) The Attorney General shall immediately bring such proceedings as may be necessary to place the Commissioner in immediate possession of the property of the mortgage ~~[company.]~~ *banker.*

3. If the Commissioner takes possession of the property of the mortgage ~~[company,]~~ *banker,* the Commissioner shall:

(a) Make or have made an inventory of the assets and known liabilities of the mortgage ~~[company;]~~ *banker;* and

(b) File one copy of the inventory in his office and one copy in the office of the clerk of the district court of the county in which the principal office of the mortgage ~~[company]~~ *banker* is located and shall mail one copy to each stockholder, partner, officer, director or associate of the mortgage ~~[company]~~ *banker* at his last known address.

4. The clerk of the court with which the copy of the inventory is filed shall file it as any other case or proceeding pending in the court and shall give it a docket number.

Sec. 73. NRS 645E.640 is hereby amended to read as follows:

645E.640 1. If the Commissioner takes possession of the property of a mortgage ~~[company]~~ *banker* pursuant to NRS 645E.630, the licensee, officers, directors, partners, associates or stockholders of the mortgage ~~[company]~~ *banker* may, within 60 days after the date on which the Commissioner takes possession of the property, make good any deficit in the assets or capital of the mortgage ~~[company]~~ *banker* or remedy any unsafe and injurious conditions or practices of the mortgage ~~[company.]~~ *banker*.

2. At the expiration of the 60-day period, if the deficiency in assets or capital has not been made good or the unsafe and injurious conditions or practices remedied, the Commissioner may apply to the court to be appointed receiver and proceed to liquidate the assets of the mortgage ~~[company]~~ *banker* which are located in this state in the same manner as now provided by law for liquidation of a private corporation in receivership.

3. No other person may be appointed receiver by any court without first giving the Commissioner ample notice of his application.

4. The inventory made by the Commissioner and all claims filed by creditors are open at all reasonable times for inspection, and any action taken by the receiver upon any of the claims is subject to the approval of the court before which the cause is pending.

5. The expenses of the receiver and compensation of counsel, as well as all expenditures required in the liquidation proceedings, must be fixed by the Commissioner subject to the approval of the court and, upon certification of the Commissioner, must be paid out of the money in his hands as the receiver.

Sec. 74. NRS 645E.680 is hereby amended to read as follows:

645E.680 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a mortgage ~~[company,]~~ *banker,* the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a license as a mortgage ~~[company]~~ *banker* that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied

with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 75. NRS 645E.900 is hereby amended to read as follows:

645E.900 It is unlawful for any person to offer or provide any of the services of a mortgage ~~[company]~~ *banker* or otherwise to engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage ~~[company]~~ *banker* without first obtaining a license as a mortgage ~~[company]~~ *banker* pursuant to this chapter, unless the person:

1. Is exempt from the provisions of this chapter; and
2. Complies with the requirements for that exemption.

Sec. 76. NRS 645E.910 is hereby amended to read as follows:

645E.910 It is unlawful for any foreign corporation, association or business trust to conduct any business as a mortgage ~~[company]~~ *banker* within this state, unless it:

1. Qualifies under chapter 80 of NRS; and
2. Complies with the provisions of this chapter or, if it claims an exemption from the provisions of this chapter, complies with the requirements for that exemption.

Sec. 77. NRS 40.750 is hereby amended to read as follows:

40.750 1. As used in this section, "financial institution" means a bank, mortgage broker, mortgage ~~[company,]~~ *banker,* credit union, thrift company or savings and loan association, or any subsidiary or affiliate of a bank, mortgage broker, mortgage ~~[company,]~~ *banker,* credit union, thrift company or savings and loan association, which is authorized to transact business in this state and which makes or acquires, in whole or in part, any loan of the kind described in subsection 2.

2. Except as otherwise provided in subsection 5, a person who, for the purpose of obtaining a loan secured by a lien on real property, knowingly conceals a material fact, or makes a false statement concerning a material fact knowing that the statement is false, is liable to any financial institution which relied upon the absence of that concealed fact or on that false statement for any damages it sustains because of the fraud.

3. In addition to its actual damages, a financial institution may recover exemplary or punitive damages in an amount not to exceed 50 percent of the actual damages awarded.

4. The cause of action provided by this section:

(a) Is not, for the purposes of NRS 40.430, an action for the recovery of any debt or an action for the enforcement of any right secured by mortgage or lien upon real estate.

(b) Is in addition to and not in substitution for any right of foreclosure existing in favor of the financial institution. Any recovery pursuant to this section does not limit the amount of a judgment awarded pursuant to NRS 40.459, but the financial institution is not entitled to recover actual damages more than once for the same loss.

5. The provisions of this section do not apply to any loan which is secured by a lien on real property used for residential purposes if:

(a) The residence is a single-family dwelling occupied by the person obtaining the loan, as represented by him in connection with his application for the loan; and

(b) The loan is for the principal amount of $150,000 or less.

Sec. 78. NRS 90.530 is hereby amended to read as follows:

90.530 The following transactions are exempt from NRS 90.460 and 90.560:

1. An isolated nonissuer transaction, whether or not effected through a broker-dealer.

2. A nonissuer transaction in an outstanding security if the issuer of the security has a class of securities subject to registration under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and has been subject to the reporting requirements of section 13 or 15(c) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78m and 78o(d), for not less than 90 days next preceding the transaction, or has filed and maintained with the Administrator for not less than 90 days preceding the transaction information, in such form as the Administrator, by regulation, specifies, substantially comparable to the information the issuer would be required to file under section 12(b) or 12(g) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78l(b) and 78l(g), were the issuer to have a class of its securities registered under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and paid a fee with the filing of $150.

3. A nonissuer transaction by a sales representative licensed in this state, in an outstanding security if:

(a) The security is sold at a price reasonably related to the current market price of the security at the time of the transaction;

(b) The security does not constitute all or part of an unsold allotment to, or subscription or participation by, a broker-dealer as an underwriter of the security;

(c) At the time of the transaction, a recognized securities manual designated by the Administrator by regulation or order contains the names of the issuer's officers and directors, a statement of the financial condition of the issuer as of a date within the preceding 18 months, and a statement of income or operations for each of the last 2 years next preceding the date of the statement of financial condition, or for the period as of the date of the statement of financial condition if the period of existence is less than 2 years;

(d) The issuer of the security has not undergone a major reorganization, merger or acquisition within the preceding 30 days which is not reflected in the information contained in the manual; and

(e) At the time of the transaction, the issuer of the security has a class of equity security listed on the New York Stock Exchange, American Stock Exchange or other exchange designated by the Administrator, or on the National Market System of the National Association of Securities Dealers

Automated Quotation System. The requirements of this paragraph do not apply if:

(1) The security has been outstanding for at least 180 days;

(2) The issuer of the security is actually engaged in business and is not developing his business, in bankruptcy or in receivership; and

(3) The issuer of the security has been in continuous operation for at least 5 years.

4. A nonissuer transaction in a security that has a fixed maturity or a fixed interest or dividend provision if there has been no default during the current fiscal year or within the 3 preceding years, or during the existence of the issuer, and any predecessors if less than 3 years, in the payment of principal, interest or dividends on the security.

5. A nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to purchase.

6. A transaction between the issuer or other person on whose behalf the offering of a security is made and an underwriter, or a transaction among underwriters.

7. A transaction in a bond or other evidence of indebtedness secured by a real estate mortgage, deed of trust, personal property security agreement, or by an agreement for the sale of real estate or personal property, if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

8. A transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

9. A transaction executed by a bona fide secured party without the purpose of evading this chapter.

10. An offer to sell or sale of a security to a financial or institutional investor or to a broker-dealer.

11. Except as otherwise provided in this subsection, a transaction pursuant to an offer to sell securities of an issuer if:

(a) The transaction is part of an issue in which there are not more than 25 purchasers in this state, other than those designated in subsection 10, during any 12 consecutive months;

(b) No general solicitation or general advertising is used in connection with the offer to sell or sale of the securities;

(c) No commission or other similar compensation is paid or given, directly or indirectly, to a person, other than a broker-dealer licensed or not required to be licensed under this chapter, for soliciting a prospective purchaser in this state; and

(d) One of the following conditions is satisfied:

(1) The seller reasonably believes that all the purchasers in this state, other than those designated in subsection 10, are purchasing for investment; or

(2) Immediately before and immediately after the transaction, the issuer reasonably believes that the securities of the issuer are held by 50 or fewer

beneficial owners, other than those designated in subsection 10, and the transaction is part of an aggregate offering that does not exceed $500,000 during any 12 consecutive months. The Administrator by rule or order as to a security or transaction or a type of security or transaction, may withdraw or further condition the exemption set forth in this subsection or waive one or more of the conditions of the exemption.

12. An offer to sell or sale of a preorganization certificate or subscription if:

(a) No commission or other similar compensation is paid or given, directly or indirectly, for soliciting a prospective subscriber;

(b) No public advertising or general solicitation is used in connection with the offer to sell or sale;

(c) The number of offers does not exceed 50;

(d) The number of subscribers does not exceed 10; and

(e) No payment is made by a subscriber.

13. An offer to sell or sale of a preorganization certificate or subscription issued in connection with the organization of a depository institution if that organization is under the supervision of an official or agency of a state or of the United States which has and exercises the authority to regulate and supervise the organization of the depository institution. For the purpose of this subsection, "under the supervision of an official or agency" means that the official or agency by law has authority to require disclosures to prospective investors similar to those required under NRS 90.490, impound proceeds from the sale of a preorganization certificate or subscription until organization of the depository institution is completed, and require refund to investors if the depository institution does not obtain a grant of authority from the appropriate official or agency.

14. A transaction pursuant to an offer to sell to existing security holders of the issuer, including persons who at the time of the transaction are holders of transferable warrants exercisable within not more than 90 days after their issuance, convertible securities or nontransferable warrants, if:

(a) No commission or other similar compensation other than a standby commission, is paid or given, directly or indirectly, for soliciting a security holder in this state; or

(b) The issuer first files a notice specifying the terms of the offer to sell, together with a nonrefundable fee of $150, and the Administrator does not by order disallow the exemption within the next 5 full business days.

15. A transaction involving an offer to sell, but not a sale, of a security not exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration or offering statement or similar document as required under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., has been filed, but is not effective;

(b) A registration statement, if required, has been filed under this chapter, but is not effective; and

(c) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator or the Securities and Exchange Commission, and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

16. A transaction involving an offer to sell, but not a sale, of a security exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration statement has been filed under this chapter, but is not effective; and

(b) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

17. A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets or other reorganization to which the issuer, or its parent or subsidiary, and the other person, or its parent or subsidiary, are parties, if:

(a) The securities to be distributed are registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., before the consummation of the transaction; or

(b) The securities to be distributed are not required to be registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., written notice of the transaction and a copy of the materials, if any, by which approval of the transaction will be solicited, together with a nonrefundable fee of $150, are given to the Administrator at least 10 days before the consummation of the transaction and the Administrator does not, by order, disallow the exemption within the next 10 days.

18. A transaction involving the offer to sell or sale of one or more promissory notes each of which is directly secured by a first lien on a single parcel of real estate, or a transaction involving the offer to sell or sale of participation interests in the notes if the notes and participation interests are originated by a depository institution and are offered and sold subject to the following conditions:

(a) The minimum aggregate sales price paid by each purchaser may not be less than $250,000;

(b) Each purchaser must pay cash either at the time of the sale or within 60 days after the sale; and

(c) Each purchaser may buy for his own account only.

19. A transaction involving the offer to sell or sale of one or more promissory notes directly secured by a first lien on a single parcel of real estate or participating interests in the notes, if the notes and interests are originated by a mortgagee approved by the Secretary of Housing and Urban Development under sections 203 and 211 of the National Housing Act,

12 U.S.C. §§ 1709 and 1715b, and are offered or sold, subject to the conditions specified in subsection 18, to a depository institution or insurance company, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Government National Mortgage Association.

20. A transaction between any of the persons described in subsection 19 involving a nonassignable contract to buy or sell the securities described in subsection 18 if the contract is to be completed within 2 years and if:

(a) The seller of the securities pursuant to the contract is one of the parties described in subsection 18 or 19 who may originate securities;

(b) The purchaser of securities pursuant to a contract is any other person described in subsection 19; and

(c) The conditions described in subsection 18 are fulfilled.

21. A transaction involving one or more promissory notes secured by a lien on real estate, or participating interests in those notes, by:

(a) A mortgage ~~[company]~~ *banker* licensed pursuant to chapter 645E of NRS to engage in those transactions; or

(b) A mortgage broker licensed pursuant to chapter 645B of NRS to engage in those transactions.

Sec. 79. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A division, office, authority, commission, board or other entity set forth in NRS 232.510 may adopt regulations to establish procedures to conduct business electronically with persons who have business with that division, office, authority, commission, board or other entity. The regulations may include, without limitation, the establishment of fees to cover the costs to the division, office, authority, commission, board or other entity of conducting business electronically.

2. Notwithstanding any other provision, if a division, office, authority, commission, board or other entity adopts regulations to conduct business electronically pursuant to subsection 1, the division, office, authority, commission, board or other entity may provide that a declaration made pursuant to NRS 53.045 may satisfy the requirement that a signature or statement be notarized, acknowledged, verified or made under oath.

3. The division, office, authority, commission, board or other entity may refuse to conduct business electronically with a person who has failed to pay money owed to the division, office, authority, commission, board or other entity.

Sec. 80. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

(a) Consumer Affairs Division.

(b) Division of Financial Institutions.

(c) Housing Division.

(d) Manufactured Housing Division.

(e) Real Estate Division.
(f) Division of Insurance.
(g) Division of Industrial Relations.
(h) Office of Labor Commissioner.
(i) Taxicab Authority.
(j) Nevada Athletic Commission.
(k) Office of the Nevada Attorney for Injured Workers.
(l) Transportation Services Authority.
(m) *Division of Mortgage Lending.*

(n) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 81. NRS 232.520 is hereby amended to read as follows:

232.520 The Director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the Department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the Director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the Department, if any. The Chief of the Consumer Affairs Division is the Commissioner of Consumer Affairs, the Chief of the Division of Financial Institutions is the Commissioner of Financial Institutions, the Chief of the Housing Division is the Administrator of the Housing Division, the Chief of the Manufactured Housing Division is the Administrator of the Manufactured Housing Division, the Chief of the Real Estate Division is the Real Estate Administrator, the Chief of the Division of Insurance is the Commissioner of Insurance, the Chief of the Division of Industrial Relations is the Administrator of the Division of Industrial Relations, the Chief of the Office of Labor Commissioner is the Labor Commissioner, the Chief of the Taxicab Authority is the Taxicab Administrator, the Chief of the Transportation Services Authority is the Chairman of the Authority*, the Chief of the Division of Mortgage Lending is the Commissioner of Mortgage Lending* and the chief of any other entity of the Department has the title specified by the Director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the Department. The Director may, if he deems it necessary to carry out his administrative responsibilities, be considered as a member of the staff of any division or other entity of the Department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the Director pursuant to this

subsection. This subsection does not allow the Director to preempt any authority or jurisdiction granted by statute to any division or other entity within the Department or to act or take on a function that would contravene a rule of court or a statute.

3. May:

(a) Establish uniform policies for the department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the Department, relating to matters concerning budgeting, accounting, planning, program development, personnel, information services, dispute resolution, travel, workplace safety, the acceptance of gifts or donations, the management of records and any other subject for which a uniform departmental policy is necessary to ensure the efficient operation of the Department.

(b) Provide coordination among the divisions and other entities within the Department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or use office space.

(c) Define the responsibilities of any person designated to carry out the duties of the director relating to financing, industrial development or business support services.

4. May, within the limits of the financial resources made available to him, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he determines is necessary or convenient for the exercise of the powers and duties of the department. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the Department.

5. For any bonds which he is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.

6. May, except as otherwise provided by specific statute, adopt by regulation a schedule of fees and deposits to be charged in connection with the programs administered by him pursuant to chapters 348A and 349 of NRS. Except as otherwise provided by specific statute, the amount of any such fee or deposit must not exceed 2 percent of the principal amount of the financing.

7. May designate any person within the Department to perform any of the duties or responsibilities, or exercise any of the authority, of the Director on his behalf.

8. May negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the Director or the Department.

9. May establish a trust account in the State Treasury for depositing and accounting for money that is held in escrow or is on deposit with the

Department for the payment of any direct expenses incurred by the Director in connection with any bond programs administered by the Director. The interest and income earned on money in the trust account, less any amount deducted to pay for applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the Director relating to those bond programs.

Sec. 82. NRS 232.545 is hereby amended to read as follows:

232.545 1. An Investigative Account for Financial Institutions is hereby created in the State General Fund. The Account consists of money which is:

(a) Received by the Department of Business and Industry in connection with the licensing of financial institutions and the investigation of persons associated with those institutions; and

(b) Required by law to be placed therein.

2. The Director of the Department of Business and Industry or his designee may authorize expenditures from the Investigative Account to pay the expenses incurred:

(a) In investigating applications for licensing of financial institutions and in investigating persons associated with those institutions;

(b) In conducting special investigations relating to financial institutions and persons associated with those institutions; and

(c) In connection with mergers, consolidations, conversions, receiverships and liquidations of financial institutions.

3. As used in this section, "financial institution" means an institution for which licensing or registration is required by the provisions of titles 55 and 56 and chapters 604 ~~[, 645B, 645E]~~ and 649 of NRS.

Sec. 83. NRS 604.090 is hereby amended to read as follows:

604.090 1. Except as otherwise provided in subsection 2, it is unlawful to operate a check-cashing or deferred deposit service without being registered with the Commissioner.

2. The provisions of this chapter do not apply to:

(a) A person doing business pursuant to the authority of any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, mortgage ~~[companies,]~~ *bankers,* thrift companies, pawnbrokers or insurance companies.

(b) A person licensed to make installment loans pursuant to chapter 675 of NRS.

(c) A person who is primarily engaged in the retail sale of goods or services who:

(1) As an incident to or independently of a retail sale or service from time to time cashes checks for a fee or other consideration of not more than $2; and

(2) Does not hold himself out as a check-cashing service.

(d) A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

(e) A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

(f) A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

(g) A corporation organized pursuant to the laws of this state that has been continuously and exclusively engaged in a check-cashing service in this state since July 1, 1973.

Sec. 84. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. A person doing business under the authority of any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, mortgage ~~[companies,]~~ *bankers,* thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

Sec. 85. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in subsection 2, a licensee may not conduct the business of making loans under this chapter within any

office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as:

(a) A mortgage broker if:

(1) The licensee and the mortgage broker:

(I) Operate as separate legal entities;

(II) Maintain separate accounts, books and records;

(III) Are subsidiaries of the same parent corporation; and

(IV) Maintain separate licenses; and

(2) The mortgage broker is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

(b) A mortgage ~~[company]~~ *banker* if:

(1) The licensee and the mortgage ~~[company:]~~ *banker:*

(I) Operate as separate legal entities;

(II) Maintain separate accounts, books and records;

(III) Are subsidiaries of the same parent corporation; and

(IV) Maintain separate licenses; and

(2) The mortgage ~~[company]~~ *banker* is licensed by this state pursuant to chapter 645E of NRS and, if the mortgage company *banker* is also licensed as a mortgage broker pursuant to chapter 645B of NRS, does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

Sec. 86. NRS 645B.0103 is hereby repealed.

Sec. 87. 1. On October 1, 2003, the Commissioner of Mortgage Lending may begin accepting applications for, and issuing, licenses as mortgage agents pursuant to section 27 of this act. Any such license issued on or before July 1, 2004:

(a) Becomes effective on July 1, 2004; and

(b) Notwithstanding the provisions of section 28 of this act to the contrary, expires on a date between July 1, 2004, and June 30, 2005, as specified in a written notice provided with the license to the mortgage agent. The Commissioner of Mortgage Lending shall provide various expiration dates for the licenses issued on or before July 1, 2004, as needed to allow for the efficient administration of the requirements of this act. The fee required for such a license that is effective for less than 1 year must be prorated in an appropriate manner as determined by the Commissioner of Mortgage Lending.

2. On July 1, 2004, the registration of a mortgage agent who is registered pursuant to NRS 645B.450 expires.

3. As used in this section, "mortgage agent" has the meaning ascribed to it in NRS 645B.0125.

Sec. 88. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to "mortgage company" to "mortgage broker."

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to "mortgage company" to "mortgage broker."

Sec. 89. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 20, inclusive, 22 to 39, inclusive, and 41 to 88, inclusive, of this act become effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and:

(a) Sections 1 to 20, inclusive, 22 to 25, inclusive, 31, 32, 33, 35, 36, 38, 39, 41, 42, 45 and 48.5 to 88, inclusive, of this act become effective on July 1, 2003, for all other purposes.

(b) Sections 26 to 30, inclusive, 34, 37, 43, 44, 46, 47 and 48 of this act become effective on July 1, 2004, for all other purposes.

3. Sections 20, 29, 39, 46 and 74 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the State has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

4. Sections 21 and 40 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the State has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

645B.0103 "Applicant" defined. "Applicant" means a person who applies for licensure as a mortgage broker pursuant to this chapter.".

Amend the title of the bill to read as follows:

"AN ACT relating to mortgage investments; creating the Commissioner of Mortgage Lending and providing his duties; creating the Division of Mortgage Lending of the Department of Business and Industry; establishing the Fund for Mortgage Lending to be administered by the Commissioner;

providing for the licensure of mortgage agents; providing that advertising spokespersons for mortgage brokers are jointly and severally liable for damages caused by the mortgage brokers under certain circumstances; revising the provisions relating to renewal of a license as a mortgage broker or mortgage agent; revising the provisions relating to exemptions to the licensure requirements of mortgage brokers and mortgage agents; increasing the amount of continuing education annually required of mortgage brokers and mortgage agents; revising provisions governing continuing education of mortgage brokers and mortgage agents; redesignating mortgage companies as mortgage bankers; providing that a *division, office, authority, commission, board or other entity of the Department may provide for the conduct of business electronically; and providing other matters properly relating thereto.”*.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to escrow agencies, mortgage brokers, mortgage agents and mortgage bankers. (BDR 54-998)”.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

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

Assembly in recess at 12:53 p.m.

ASSEMBLY IN SESSION

At 1:00 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 254, 470; Senate Bill No. 230; Senate Joint Resolution No. 11.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 252.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 230.

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

Motion carried.

Senate Bill No. 252.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 11.

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

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Oceguera, and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 32.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Goldwater moved that the Assembly do not recede from its action on Senate Bill No. 193, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Goldwater.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Goldwater, and Griffin as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 193.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Goldwater moved that the Assembly do not recede from its action on Senate Bill No. 372, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Goldwater.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Leslie, and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 372.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Williams moved that the Assembly do not recede from its action on Senate Bill No. 34, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Williams.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Chowning, Geddes, and McCleary as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 34.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 473.

The following Senate amendment was read:

Amendment No. 772.

Amend the bill as a whole by renumbering sections 1 through 7 as sections 7 through 13 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. Chapter 445A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Account" means the Account to Finance the Purchase of Alternative Sources of Safe Drinking Water in Schools created by section 5 of this act.*

Sec. 4. *"Administrator" means the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*

Sec. 5. *1. The Account to Finance the Purchase of Alternative Sources of Safe Drinking Water in Schools is hereby created in the State General Fund.*

2. The Administrator shall administer the Account. The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account. Money received by the Administrator pursuant to this subsection must be deposited in the State Treasury for credit to the Account.

3. The money in the Account must be used only for the purposes set forth in section 6 of this act and may not be used to pay for expenses related to the administration of the Account.

4. All claims against the Account must be paid as other claims against the State are paid.

5. The interest and income earned on the money in the Account must be credited to the Account. Money in the Account does not revert to the State General Fund at the end of any fiscal year and must be carried forward to the next fiscal year.

Sec. 6. *1. The board of trustees of a county school district that is served by a public water system may file an application with the Administrator requesting a grant of money from the Account to provide an alternative source of safe drinking water to pupils attending schools within the school district if:*

(a) A majority of the members of the board of trustees approves a resolution requesting such a grant;

(b) The water provided by the public water system serving the school district contains arsenic or other substances at levels that are higher than the standards for safe drinking water adopted by the United States Environmental Protection Agency; and

(c) The board of trustees can demonstrate a need for financial assistance for the current budget or operating year to provide an alternative source of safe drinking water.

2. An application filed pursuant to subsection 1 must be in such form and contain such information as may be required by the Administrator.

3. Upon receipt of an application for a grant, the Administrator shall consult with the State Health Officer regarding the need of the school district to provide an alternative source of safe drinking water and the immediacy of that need.

4. If the Administrator determines that the school district qualifies for a grant, the Administrator shall, to the extent of money available in the Account, grant money to the school district based on the need of the school district to purchase an alternative source of safe drinking water.

5. The Administrator shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation:

(a) Requirements for the submission and review of applications;

(b) Criteria for eligibility to receive a grant from the Account; and

(c) Standards for consulting with the State Health Officer regarding applications that are filed with the Administrator.

6. As used in this section, "public water system" has the meaning ascribed to it in NRS 445A.235.".

Amend the bill as a whole by deleting sec. 3 and adding:

"Sec. 9. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 6, to read as follows:

"Sec. 12.5. 1. Any regulations adopted by the State Board of Health pursuant to NRS 445A.200 to 445A.295, inclusive, remain in force until amended by the State Environmental Commission. Such regulations may be enforced by the State Environmental Commission.

2. Any contracts or other agreements entered into by the Health Division of the Department of Human Resources pursuant to NRS 445A.200 to 445A.295, inclusive, are binding upon the Division of Environmental Protection of the State Department of Conservation and Natural Resources. Such contracts or other agreements may be enforced by the Division of Environmental Protection.".

Amend the title of the bill, first line, by deleting "water systems;" and inserting: "water; creating the Account to Finance the Purchase of Alternative Sources of Safe Drinking Water in Schools; establishing procedures for granting money from the Account to school districts;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to accounts concerning safe drinking water. (BDR 40-1252)".

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 473.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 21, 41, 48, 60, 84, 107, 125, 130, 136, 150, 156, 160, 166, 168, 185, 212, 215, 217, 225, 230, 236, 255, 267, 287, 288, 291, 293, 324, 343, 348, 365, 390, 396, 451, 458, 469, 471, 475, 504, 516, 526, 528, 541; Assembly Joint Resolutions Nos. 5, 6, 15; Assembly Concurrent Resolution No. 28; Senate Bills Nos. 18, 127, 174, 240, 246, 247, 280, 288, 351, 413, 440, 469, 476, 478, 481, 482, 490, 493, 494.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Dolores Holets.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Tamera Buzick.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Nielsen, Erika Allee, Juan Araiza, Ivan Barajas, Jamie Chiarella, Alex Chichester, Noah Conrath, Christopher Dudley, Reid Evans, Cali Fennelly, Robert Fifer, Kenneth Gasaway, Pamela Gotera, Leonard Hernandez, Desirae Houle, Schinria Islam, Reem Itani, Daniel Juarez, Alexey Kanwetz, Blaise Labranch, Clayton Lewis, Gage Locke, Scott Mase, Jordan Mehrmafakham, Cassandra Melancon, Robert Morgan-Beesley, Gabrielle Newman, Hilary Peil, Kristine Perez, Justin Ring, Whitney Roubo, Tyler Stokes, Whitney Thomas, Jenessa Warren, Timothy Woodard, Jakob Camarena, Bryan Chuan, Jaqueline Dory, Patrick Gamer,

David Headrick, Donald Hoeck, Austin Iveson, Daniel Jara, James Johnson, Andrea Lynch, Britton Murdock, Jennifer Oring, Steven Owens, Niccolas Peralta, Kevin Peterson, Meryl Rasmussen, Anthony Rissone, Daniel Sanchez, Alexander Shaw, Cameron Sheridan, Ashley Ullrich, Delson Barr, Vivian Carbajal, Jaclyn Johnson, Angela Madera, Hilary Allen, Anthony Bass, Zachary Blackburn, Casey Brown, Mark Brown, Bradley Bush, Scott Carnahan, John Casey, Jose Evangelista, Tiffany Fortier, Santino Gallegos, Emily Hamilton, Dane Higgins, Hetty Hu, Laura Kreidberg, Trevor Landa, Jenni Laureano, Morgan McCombs, Jared Munson, Rosario Perez-Vincen, Erica Reid, Cassandra Summers, Glen Washington, Nicholas York, Ami Borrego, Luis Cabrera, Stacy Challis, Harvey Downs, Nicole Franke, Kelsy Galli, Sara Goodman, Ryan Iinuma, Shabatun Islam, Ariadna Martinez, Riley McKowan, Allie McLoughlin, Vanessa Moreno, Luke Mudge, Anthony Mustin, Paulina Pulleyn, William Richeson, Peter Savage, Amanda Schloegel, Joshua Shapiro, Marcus Smith, Shireen Spears, Cameron Walburg, Judson Wesnousky, Ashley Wingate, Chelsea Zuppan, Ann-Marie Zwischenberg, Nicole Koffler, and Ernesto Schaefer.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 28, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:10 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 28, 2003

Assembly called to order at 11:26 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Father, we come to You today as products of a rich heritage. Our forefathers wrote that we have been "endowed by our Creator." Our currency carries our national motto, "In God we trust." Our years are marked B.C. and A.D. to commemorate Your intervention into a fallen world. The presidential oath ends with the words, "so help me God." And, in just a moment, we will pledge that we are "one nation under God." So, it is natural that we come to You today to request Your help as we try to wrap up this session of the Nevada State Legislature. As You have been our help in ages past, please be that for the next several days as well. Thank You.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Concurrent Resolution No. 18; Senate Concurrent Resolutions Nos. 20, 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 550; Senate Bills Nos. 164, 263, 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were re-referred Senate Bills Nos. 173, 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 163, Senate Amendments Nos. 860, 897, 661, and requests a conference, and appointed Senators Amodei, Care, and McGinness as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 536, Senate Amendments Nos. 770, 672, 898, and requests a conference, and appointed Senators Amodei, Care, and McGinness as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 809 to Senate Bill No. 19; Assembly Amendment No. 777 to Senate Bill No. 55; Assembly Amendment No. 826 to Senate Bill No. 76; Assembly Amendment No. 735 to Senate Bill No. 78; Assembly Amendment No. 721 to Senate Bill No. 82; Assembly Amendment No. 744 to Senate Bill No. 100; Assembly Amendment No. 873 to Senate Bill No. 112; Assembly Amendment No. 637 to Senate Bill No. 146; Assembly Amendments Nos. 812, 883 to Senate Bill No. 168; Assembly Amendment No. 636 to Senate Bill No. 176; Assembly Amendment No. 628 to Senate Bill No. 179; Assembly Amendment No. 646 to Senate Bill No. 181; Assembly Amendment No. 814 to Senate Bill No. 196; Assembly Amendment No. 795 to Senate Bill No. 262; Assembly Amendment No. 794 to Senate Bill No. 309; Assembly Amendment No. 783 to Senate Bill No. 312; Assembly Amendment No. 647 to Senate Bill No. 328; Assembly Amendment No. 793 to Senate Bill No. 329; Assembly Amendment No. 780 to Senate Bill No. 331; Assembly Amendments Nos. 627, 817 to Senate Bill No. 332; Assembly Amendment No. 784 to Senate Bill No. 345; Assembly Amendment No. 706 to Senate Bill No. 354; Assembly Amendment No. 690 to Senate Bill No. 386; Assembly Amendment No. 738 to Senate Bill No. 444; Assembly Amendment No. 705 to Senate Bill No. 452; Assembly Amendment No. 788 to Senate Bill No. 453; Assembly Amendment No. 641 to Senate Bill No. 470; Assembly Amendment No. 642 to Senate Bill No. 475; Assembly Amendment No. 651 to Senate Bill No. 485; Assembly Amendment No. 650 to Senate Bill No. 486; Assembly Amendment No. 757 to Senate Bill No. 489; Assembly Amendment No. 649 to Senate Joint Resolution No. 3; Assembly Amendment No. 648 to Senate Joint Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 774 to Senate Bill No. 97; Assembly Amendment No. 737 to Senate Bill No. 143; Assembly Amendment No. 592 to Senate Bill No. 144; Assembly Amendment No. 790 to Senate Bill No. 147; Assembly Amendments Nos. 575, 785 to Senate Bill No. 231; Assembly Amendments Nos. 884, 904 to Senate Bill No. 319; Assembly Amendment No. 615 to Senate Bill No. 359; Assembly Amendments Nos. 901, 755 to Senate Bill No. 370; Assembly Amendment No. 729 to Senate Bill No. 436; Assembly Amendment No. 792 to Senate Bill No. 449; Assembly Amendment No. 638 to Senate Bill No. 451; Assembly Amendment No. 786 to Senate Bill No. 459.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hardy, Rhoads, and Wiener as a first Conference Committee concerning Senate Bill No. 59.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Sherer, and Horne as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 163.

Mr. Speaker appointed Assemblymen Anderson, Sherer, and Horne as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 536.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 18.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted.

Senate Concurrent Resolution No. 20.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted.

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

Assembly in recess at 11:35 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.
Mr. Speaker presiding.
Quorum present.

Senate Concurrent Resolution No. 26.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 550.
Bill read second time and ordered to third reading.

Senate Bill No. 164.
Bill read second time and ordered to third reading.

Senate Bill No. 263.
Bill read second time and ordered to third reading.

Senate Bill No. 289.
Bill read second time and ordered to third reading.

Senate Bill No. 324.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 519 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Joint Resolution No. 10 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 66 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 519.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 937.
Amend the bill as a whole by adding a new section designated sec. 10, following sec. 9, to read as follows:
"Sec. 10. This act becomes effective July 1, 2003.".
Assemblyman Arberry moved the adoption of the amendment.
Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 146.
The following Senate amendment was read:
Amendment No. 665.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. Chapter 625 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before February 1 of each year, the Board shall submit a report to the Director of the Legislative Counsel Bureau for distribution to each member of the Senate Standing Committee on Commerce and Labor and the Assembly Standing Committee on Commerce and Labor.

2. Each report submitted pursuant to subsection 1 must include the following information for the previous calendar year:

(a) The number of persons who relied upon the provisions of this chapter relating to education to qualify for the issuance of a license, the results of each examination taken by each of those persons and a statement indicating whether the Board issued a license to each of those persons;

(b) A description of the facts and circumstances under which the Board exercised its discretion regarding whether to allow an applicant for a license to take the examination for that license or to issue a license to the applicant; and

(c) The number and types of complaints, if any, the Board received regarding the procedure for applying for a license and the procedure for issuance of a license.

Sec. 2. NRS 625.100 is hereby amended to read as follows:

625.100 1. The Governor shall appoint seven persons, ~~[six]~~ *four* of whom must be engaged in the practice or teaching of professional engineering in any of its disciplines except military engineering, ~~[and one]~~ *two* of whom must be engaged in the practice or teaching of land surveying ~~[.]~~ *and one of whom must be a member of the general public.* The members must be citizens of the United States and residents of this state, and constitute the State Board of Professional Engineers and Land Surveyors.

2. All appointments made *for members who are engaged in the practice or teaching of professional engineering or land surveying* must be *made* from the current roster of professional engineers and professional land surveyors as issued by the Board and on file in the office of the Secretary of State. Insofar as practicable, membership on the Board *of those members* must be distributed proportionately among the recognized disciplines of the profession. ~~[One of the members who is a professional land surveyor must not be licensed as a professional engineer.]~~ *The members who are professional land surveyors must not be professional engineers.*

3. Within 30 days after his appointment, ~~[a]~~ *each* member shall take and subscribe to the oath of office as prescribed by the laws of Nevada and shall file the oath with the Secretary of State.

Sec. 3. NRS 625.154 is hereby amended to read as follows:

625.154 1. The Board shall hold examinations of applicants for licenses at least once each year in localities determined by the number of applications received.

2. The examinations must be written and administered in English.

3. The Board shall not prohibit an applicant for a license from taking a regularly scheduled examination for that license solely because the Board failed to review the applicant's application before the examination. If the Board prohibits an applicant for a license from taking the examination in violation of this subsection, the Board shall hold or cause to be held an examination for the applicant within 30 days after the violation occurs.

Sec. 4. NRS 625.383 is hereby amended to read as follows:

625.383 1. Each professional engineer and professional land surveyor shall obtain a stamp of the design authorized by the Board, bearing his name and the number of his license and the legend "Professional Engineer" followed by the discipline for which he is qualified or the legend "Professional Land Surveyor," respectively.

2. *To facilitate the obtaining of a stamp by a professional engineer or professional land surveyor pursuant to subsection 1, the Board shall, upon request, provide its authorized design to any retailer or manufacturer of stamps. A professional engineer or professional land surveyor may obtain his stamp from any retailer or manufacturer of stamps.*

3. A professional land surveyor shall not use the legend "Professional Engineer."

Sec. 5. 1. The term of each member of the State Board of Professional Engineers and Land Surveyors expires on the effective date of this act.

2. As soon as practicable after the effective date of this act, the Governor shall appoint to the Board:

(a) Three members who are engaged in the practice or teaching of professional engineering, except military engineering, to serve for terms of 3 years;

(b) One member who is engaged in the practice or teaching of professional engineering, except military engineering, to serve for a term of 2 years;

(c) One member who is engaged in the practice or teaching of land surveying to serve for a term of 2 years;

(d) One member who is engaged in the practice or teaching of land surveying to serve for a term of 1 year; and

(e) One member who is a member of the general public to serve for a term of 1 year.

Sec. 6. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on December 1, 2014.".

Amend the title of the bill to read as follows:

"AN ACT relating to professions; requiring the State Board of Professional Engineers and Land Surveyors to submit annual reports regarding certain activities of the Board to the Director of the Legislative Counsel Bureau;

revising the membership of the Board; requiring the Board to hold an examination for an applicant for a license under certain circumstances; requiring the Board to provide its authorized design for a stamp to a retailer or manufacturer under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to provisions governing State Board of Professional Engineers and Land Surveyors. (BDR 54-496)".

Assemblyman Goldwater moved that the Assembly concur in the Senate Amendment No. 665 to Assembly Bill No. 146.

Remarks by Assemblyman Goldwater.

Motion carried.

The following Senate amendment was read:

Amendment No. 739.

Amend the bill as a whole by renumbering sections 5 and 6 as sections 6 and 7 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. NRS 625.500 is hereby amended to read as follows:

625.500 *1.* The licensure requirements of this chapter do not apply to ~~[the]~~ *:*

(a) The employees of interstate or intrastate public utility companies while they are engaged in work for those companies ~~[or to any]~~ *;*

(b) Any architect registered pursuant to the provisions of chapter 623 of NRS and who practices architecture as permitted by chapter 623 of NRS ~~[.]~~ *; or*

(c) A person, while he is using a scanner for the purpose of construction management or monitoring, or both, if he is certified by the International Conference of Building Officials or a successor organization for the purposes for which he is using the scanner.

2. As used in this section, "scanner" means a device that uses laser technology to capture the digital shape of physical objects through laser triangulation.".

Amend the title of the bill, ninth line, after "circumstances;" by inserting: "exempting certain laser scanner operators from the licensure requirements applicable to professional engineers and land surveyors;".

Assemblyman Goldwater moved that the Assembly concur in the Senate Amendment No. 739 to Assembly Bill No. 146.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Collins moved that the Assembly do not recede from its action on Senate Bill No. 144, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Collins.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Mortenson, Collins, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 144.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Koivisto moved that the Assembly do not recede from its action on Senate Bill No. 231, Amendment No. 575, Amendment No. 785, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Koivisto.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Pierce, Leslie, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 231.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 490 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 58.

Bill read third time.

Remarks by Assemblyman Geddes.

Roll call on Senate Bill No. 58:

YEAS—42.

NAYS—None.

Senate Bill No. 58 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Senate Bill No. 106:

YEAS—39.

NAYS—Angle, Gustavson—2.

NOT VOTING—Buckley.

Senate Bill No. 106 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 173.

Bill read third time.

Roll call on Senate Bill No. 173:

YEAS—42.

NAYS—None.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 456.

Bill read third time.

Roll call on Senate Bill No. 456:

YEAS—42.

NAYS—None.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Sherer, Mortenson, Goldwater, Giunchigliani, and Gustavson.

Conflict of interest declared by Assemblywoman Ohrenschall.

Potential conflict of interest declared by Assemblyman Sherer.

Roll call on Senate Bill No. 66:

YEAS—18.

NAYS—Andonov, Angle, Atkinson, Beers, Brown, Buckley, Christensen, Claborn, Conklin, Geddes, Goicoechea, Grady, Griffin, Gustavson, Hardy, Horne, Knecht, Leslie, Mabey, Marvel, Mortenson, Sherer, Weber—23.

NOT VOTING—Ohrenschall.

Senate Bill No. 66 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 97, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Buckley, and Gibbons as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 97.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 436, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.
Remarks by Assemblyman Anderson.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Brown, and Conklin as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 436.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Manendo moved that the Assembly do not recede from its action on Senate Bill No. 143, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.
Remarks by Assemblyman Manendo.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Atkinson, McCleary, and Grady as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 143.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Manendo moved that the Assembly do not recede from its action on Senate Bill No. 359, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.
Remarks by Assemblyman Manendo.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ohrenschall, Williams, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 359.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Manendo moved that the Assembly do not recede from its action on Senate Bill No. 451, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Manendo.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Pierce, Koivisto, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 451.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its action on Senate Bill No. 370, Amendment No. 755 and Amendment No. 901, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Goldwater, Griffin, and Parks as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 370.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Giunchigliani moved that the Assembly recede from its action on Senate Bill No. 449.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered transmitted to the Senate.

Assemblywoman Koivisto moved that the Assembly recede from its action on Senate Bill No. 459.

Remarks by Assemblywoman Koivisto.

Motion carried.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:33 p.m.

ASSEMBLY IN SESSION

At 12:35 p.m.

Mr. Speaker presiding.

Quorum present.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 453.

The following Senate amendment was read:

Amendment No. 711.

Amend the bill as a whole by adding new sections designated sections 3.3 and 3.7, following sec. 3, to read as follows:

"Sec. 3.3. NRS 679B.240 is hereby amended to read as follows:

679B.240 To ascertain compliance with law, or relationships and transactions between any person and any insurer or proposed insurer, the Commissioner may, as often as he deems advisable, examine the accounts, records, documents and transactions relating to such compliance or relationships of:

1. Any insurance agent, solicitor, broker, surplus lines broker, general agent, adjuster, insurer representative, bail agent, motor club agent or any other licensee or any other person the Commissioner has reason to believe may be acting as or holding himself out as any of the foregoing.

2. Any person having a contract under which he enjoys in fact the exclusive or dominant right to manage or control an insurer.

3. Any insurance holding company or other person holding the shares of voting stock or the proxies of policyholders of a domestic insurer, to control the management thereof, as voting trustee or otherwise.

4. Any subsidiary of the insurer.

5. Any person engaged in this state in, or proposing to be engaged in this state in, or holding himself out in this state as so engaging or proposing, or in this state assisting in, the promotion, formation or financing of an insurer or insurance holding corporation, or corporation or other group to finance an insurer or the production of its business.

6. Any external review organization, as defined in section 19 of Assembly Bill No. 79 of this session.

Sec. 3.7. NRS 679B.290 is hereby amended to read as follows:

679B.290 1. Except as otherwise provided in subsection 2:

(a) The expense of examination of an insurer, or of any person referred to in subsection 1, 2 *,* ~~[or]~~ 5 *or 6* of NRS 679B.240, must be borne by the person examined. Such expense includes only the reasonable and proper hotel and travel expenses of the Commissioner and his examiners and assistants, including expert assistance, reasonable compensation as to such examiners and assistants and incidental expenses as necessarily incurred in the examination. As to expense and compensation involved in any such examination the Commissioner shall give due consideration to scales and

limitations recommended by the National Association of Insurance Commissioners and outlined in the examination manual sponsored by that association.

(b) The person examined shall promptly pay to the Commissioner the expenses of the examination upon presentation by the Commissioner of a reasonably detailed written statement thereof.

2. The Commissioner may bill an insurer for the examination of any person referred to in subsection 1 of NRS 679B.240 and shall adopt regulations governing such billings.".

Amend sec. 21, pages 19 and 20, by deleting lines 32 through 44 on page 19 and lines 1 through 33 on page 20, and inserting:

"683A.08528 *1.* Not later than ~~[March]~~ *July* 1 of each year, each holder of a certificate of registration as an administrator shall file ~~[a financial statement]~~ with the Commissioner ~~[on a form approved by the Commissioner.]~~ *an annual report for the most recently completed fiscal year of the administrator. Each annual report must be verified by at least two officers of the administrator.*

2. Each annual report filed pursuant to this section must include all the following:

(a) Except as otherwise provided in this paragraph, a financial statement of the administrator that has been audited and prepared by an independent certified public accountant. In lieu of a financial statement that has been audited and prepared by an independent certified public accountant, the administrator may include with the annual report a financial statement that has been reviewed by an independent certified public accountant if:

(1) The total business assets of the administrator were less than $100,000 at the end of the most recently completed fiscal year of the administrator; or

(2) The administrator did not have any agreements to act as an administrator during the most recently completed fiscal year of the administrator.

(b) The complete name and address of each person, if any, for whom the administrator agreed to act as an administrator during the most recently completed fiscal year of the administrator.

(c) Any other information required by the Commissioner.

3. In addition to the information required pursuant to subsection 2, if an annual report is prepared on a consolidated basis, the annual report must include a columnar or combining worksheet that:

(a) Includes the amounts shown on the consolidated financial statement accompanying the annual report;

(b) Separately sets forth the amounts for each entity included in the worksheet; and

(c) Includes an explanation of each consolidating and eliminating entry included in the worksheet.

4. Each administrator who files an annual report pursuant to this section shall, at the time of filing the annual report, pay a filing fee in an amount determined by the Commissioner.

5. On or before September 1 of each year, the Commissioner shall, for each administrator, review the annual report that is most recently filed by the administrator. As soon as practicable after reviewing the report, the Commissioner shall:

(a) Issue a certificate to the administrator:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is currently licensed and in good standing in this state; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement; or

(b) Submit a statement to any electronic database maintained by the National Association of Insurance Commissioners or any affiliate or subsidiary of the Association:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is in compliance with existing law; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement.".

Amend the bill as a whole by adding a new section designated sec. 55.2, following sec. 55, to read as follows:

"Sec. 55.2. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. No policy of industrial insurance that has been in effect for at least 70 days or that has been renewed may be cancelled by the insurer before the expiration of the agreed term or 1 year from the effective date of the policy or renewal, whichever occurs first, except on any one of the following grounds:

(a) A failure by the policyholder to pay a premium for the policy of industrial insurance when due;

(b) A failure by the policyholder to:

(1) Report any payroll;

(2) Allow the insurer to audit any payroll in accordance with the terms of the policy or any previous policy issued by the insurer; or

(3) Pay any additional premium charged because of an audit of any payroll as required by the terms of the policy or any previous policy issued by the insurer;

(c) A material failure by the policyholder to comply with any federal or state order concerning safety or any written recommendation of the insurer's designated representative for loss control;

(d) A material change in ownership of the policyholder or any change in the policyholder's business or operations that:

(1) Materially increases the hazard for frequency or severity of loss;

(2) Requires additional or different classifications for the calculation of premiums; or

(3) Contemplates an activity that is excluded by any reinsurance treaty of the insurer;

(e) A material misrepresentation made by the policyholder; or

(f) A failure by the policyholder to cooperate with the insurer in conducting an investigation of a claim.

2. An insurer shall not cancel a policy of industrial insurance pursuant to paragraph (a), (b), (e) or (f) of subsection 1 except upon 10 days' written notice submitted by the insurer to the policyholder.

3. Except as otherwise provided in this subsection, an insurer shall not cancel a policy of industrial insurance pursuant to paragraph (c) or (d) of subsection 1 except upon 30 days' written notice by the insurer to the policyholder. An insurer is not required to provide a written notice to a policyholder pursuant to this subsection if the policyholder and the insurer consent to the cancellation of the policy of industrial insurance and to the reissuance of another policy of industrial insurance effective upon a material change in the ownership or operations of the insured. If the policyholder corrects the condition to the satisfaction of the insurer within the period specified in the policy of insurance, the insurer shall not cancel the policy.

4. Any written notice submitted to a policyholder pursuant to this section must be given by first class mail addressed to the policyholder at the address of the policyholder set forth in the policy of industrial insurance. Evidence indicating that a written notice specified in this section has been mailed is sufficient proof of notice.

5. The provisions of this section do not prohibit, during any period in which a policy of industrial insurance is in force, any change in the premium rate required or authorized by any law, regulation or order of the Commissioner, or otherwise agreed upon by the policyholder and the insurer.

6. For the purposes of this section, any policy of industrial insurance that is written for a term of more than 1 year, or any policy of industrial insurance with no fixed date of expiration, shall be deemed to be written for successive periods of 1 year.".

Amend the bill as a whole by renumbering sec. 55.5 as sec. 55.4 and adding new sections designated sections 55.6 and 55.8, following sec. 55.5, to read as follows:

"Sec. 55.6. NRS 687B.310 is hereby amended to read as follows:

687B.310 1. NRS 687B.310 to 687B.420, inclusive, *and section 55.2 of this act* apply to all binders and all contracts of insurance the general terms of which are required to be approved or are subject to disapproval by the Commissioner, except as otherwise provided by statute or by rule pursuant to subsection 3.

2. The contract may provide terms more favorable to policyholders than are required by NRS 687B.310 to 687B.420, inclusive ~~[.]~~ *, and section 55.2 of this act.*

3. The Commissioner may by rule exempt from NRS 687B.310 to 687B.420, inclusive, *and section 55.2 of this act* classes of insurance contracts where the policyholders do not need protection against arbitrary termination.

4. The rights provided by NRS 687B.310 to 687B.420, inclusive, *and section 55.2 of this act* are in addition to and do not prejudice any other rights the policyholder may have at common law or under other statutes.

5. NRS 687B.310 to 687B.420, inclusive, *and section 55.2 of this act* do not prevent the rescission or reformation of any life or health insurance contract not otherwise denied by the terms of the contract or by any other statute.

6. Any notice to an insured required pursuant to NRS 687B.320 to 687B.350, inclusive, *and section 55.2 of this act* must be personally delivered to the insured or mailed first class or certified to the insured at his address last known by the insurer. The notice must state the effective date of the cancellation or nonrenewal and be accompanied by a written explanation of the specific reasons for the cancellation or nonrenewal.

Sec. 55.8. NRS 687B.320 is hereby amended to read as follows:

687B.320 1. ~~[No]~~ *Except as otherwise provided in subsection 3, no* insurance policy that has been in effect for at least 70 days or that has been renewed may be cancelled by the insurer ~~[prior to]~~ *before* the expiration of the agreed term or 1 year from the effective date of the policy or renewal, whichever ~~[is less,]~~ *occurs first,* except on any one of the following grounds:

(a) Failure to pay a premium when due;

(b) Conviction of the insured of a crime arising out of acts increasing the hazard insured against;

(c) Discovery of fraud or material misrepresentation in the obtaining of the policy or in the presentation of a claim thereunder;

(d) Discovery of:

(1) An act or omission; or

(2) A violation of any condition of the policy, which occurred after the first effective date of the current policy and substantially and materially increases the hazard insured against;

(e) A material change in the nature or extent of the risk, occurring after the first effective date of the current policy, which causes the risk of loss to be substantially and materially increased beyond that contemplated at the time the policy was issued or last renewed;

(f) A determination by the Commissioner that continuation of the insurer's present volume of premiums would jeopardize the insurer's solvency or be hazardous to the interests of policyholders of the insurer, its creditors or the public; or

(g) A determination by the Commissioner that the continuation of the policy would violate, or place the insurer in violation of, any provision of the Code.

2. No cancellation under subsection 1 is effective until in the case of paragraph (a) of subsection 1 at least 10 days and in the case of any other paragraph of subsection 1 at least 30 days after the notice is delivered or mailed to the policyholder.

3. The provisions of this section do not apply to a policy of industrial insurance.".

Amend sec. 56, page 47, line 38, by deleting "An" and inserting: "~~[An]~~ *Except as otherwise provided in subsection 2, an*".

Amend sec. 56, page 47, line 40, by deleting "~~[30]~~ *60*" and inserting "30".

Amend sec. 56, page 48, by deleting lines 8 through 18 and inserting:

"*2. The provisions of this section do not apply to a policy of industrial insurance.*".

Amend the bill as a whole by adding new sections designated sections 56.1 through 56.9, following sec. 56, to read as follows:

"Sec. 56.1. NRS 687B.360 is hereby amended to read as follows:

687B.360 If a notice of cancellation or nonrenewal under NRS 687B.310 to 687B.420, inclusive, *and section 55.2 of this act* does not state with reasonable precision the facts on which the insurer's decision is based, the insurer shall supply that information within 6 days after receipt of a written request by the policyholder. No notice is effective unless it contains adequate information about the policyholder's right to make such a request.

Sec. 56.3. NRS 687B.370 is hereby amended to read as follows:

687B.370 Except for a notice of cancellation for the failure to pay a premium when due, no notice required pursuant to NRS 687B.310 to 687B.420, inclusive, *and section 55.2 of this act* is effective unless it contains adequate instructions enabling the policyholder to apply for insurance through any voluntary or mandatory risk-sharing plan established pursuant to NRS 686B.180 and 686B.200 existing at the time of the notice, for which the policyholder may be eligible.

Sec. 56.5. NRS 687B.380 is hereby amended to read as follows:

687B.380 There is no liability on the part of and no cause of action of any nature may arise against any insurer, its authorized representative, its agents, its employees, or any person furnishing to the insurer information as to reasons for cancellation or nonrenewal, for any statement made by them in complying with NRS 687B.310 to 687B.420, inclusive, *and section 55.2 of this act* or for the providing of information pertaining thereto.

Sec. 56.7. NRS 688A.361 is hereby amended to read as follows:

688A.361 No contract of annuity may be delivered or issued for delivery in this state unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the Commissioner are at least as favorable to the contract holder:

1. A statement that upon cessation of payment of considerations under a contract, *or upon receipt of a written request submitted by an owner of a contract,* the company will grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in NRS 688A.3631 to 688A.3637, inclusive, and 688A.366;

2. If a contract provides for a lump-sum settlement at maturity or any other time, a statement that upon surrender of the contract at or before the commencement of any annuity payments, the company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of an amount specified in NRS 688A.3631, 688A.3633, 688A.3637 and 688A.366, and that the company ~~[reserves]~~ *may reserve* the right to defer the payment of such cash surrender benefit for a period of *not more than* 6 months after demand therefor with surrender of the contract ~~[.]~~ *if the company submits a written request to and receives written approval for the deferral from the Commissioner. The request must address the necessity and equitability to all policyholders of the deferral;*

3. A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender or death benefits which are guaranteed under the contract, together with sufficient information to determine the amounts of those benefits; and

4. A statement that any paid-up annuity, cash surrender or death benefits which may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which such benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract, except that any deferred annuity contract may provide that if no considerations have been received under a contract for a period of 2 full years, and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid before that period would be less than $20 monthly, the company may terminate the contract by payment in cash of the then present value of such portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by such payment shall be relieved of any further obligation under the contract.

Sec. 56.9. NRS 688A.363 is hereby amended to read as follows:

688A.363 *1.* The minimum values, specified in NRS 688A.3631 to 688A.3637, inclusive, and 688A.366, of any paid-up annuity, cash surrender or death benefits available under an annuity contract ~~[shall]~~ *must* be based upon minimum nonforfeiture amounts as defined in this section.

~~[1.]~~ *2.* With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount for any time at or before the commencement of any annuity payments is equal to an accumulation up to such time at a rate of interest ~~[of 3 percent per annum of percentages of the net considerations~~

~~paid before such time,]~~ *calculated pursuant to subsection 3, which must be* decreased by the sum of:

(a) Any prior withdrawals from or partial surrenders of the contract, accumulated at a rate of interest ~~[of 3 percent per annum; and]~~ *calculated pursuant to subsection 3;*

(b) *An annual charge in the amount of $50, accumulated at rates of interest calculated pursuant to subsection 3;*

(c) Any premium tax paid by the company for the contract, accumulated at rates of interest calculated pursuant to subsection 3; and

(d) The amount of any indebtedness to the company on the contract, including interest due and accrued . ~~[, and increased by any existing additional amounts credited by the company to the contract.]~~ The net considerations for a given contract year used to define the minimum nonforfeiture amount ~~[shall]~~ *must* be an amount ~~[not less than zero and shall be]~~ *that is* equal to *87.5 percent of* the ~~[corresponding]~~ gross considerations credited to the contract during that contract year . ~~[less an annual contract charge of $30 and a collection charge of $1.25 per consideration credited to the contract during that contract year. The percentages of net considerations shall be 65 percent of the net consideration for the first contract year and 87.5 percent of the net considerations for the second and later contract years, except that the percentage shall be 65 percent of the portion of the total net consideration for any renewal contract year which exceeds by not more than 2 times the sum of those portions of the net considerations in all prior contract years for which the percentage was 65 percent.~~

~~2. With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually, with the following exceptions:~~

~~(a) The portion of the net consideration for the first contract year to be accumulated shall be the sum of 65 percent of the net consideration for the first contract year plus 22.5 percent of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.~~

~~(b) The annual contract charge shall be the lesser of:~~

~~(1) Thirty dollars; or~~

~~(2) Ten percent of the gross annual consideration.~~

~~3. With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to 90 percent and the net consideration shall be the gross consideration less a contract charge of $75.]~~

3. For the purpose of this section, the rate of interest used to determine the minimum nonforfeiture amounts must be an annual rate of interest

determined as the lesser of 3 percent per annum or a rate specified in the contract if the rate is calculated in accordance with regulations adopted by the Commissioner, except that at no time may the resulting rate be less than 1 percent per annum.".

Amend the bill as a whole by adding a new section designated sec. 57.5, following sec. 57, to read as follows:

"Sec. 57.5. NRS 690B.100 is hereby amended to read as follows:

690B.100 As used in NRS 690B.100 to 690B.180, inclusive, unless the context otherwise requires:

1. "Home" means a structure used primarily for residential purposes and includes, without limitation:

(a) A single-family dwelling;

(b) A unit in a multiple-family structure;

(c) A mobile home; and

(d) The common elements of a common-interest community, as defined in NRS 116.110318, and any appurtenance to the common elements.

2. "Insurance for home protection" means a contract of insurance, which affords coverage over a specified term for a predetermined fee, under which a person, other than the manufacturer, builder, seller or lessor of the home, agrees to repair, replace or indemnify from the cost of repair or replacement based upon the failure of any structure, component, system or appliance of the home. The term does not include ~~[a]~~ *:*

(a) A contract which insures against any consequential losses caused by the defects or failures.

(b) An annual home service agreement on household appliances, systems and components if the agreement principally provides for service, repair or replacement due to normal wear and tear or inherent defect. Such agreements may include provisions for incidental indemnity or for service or repair of roof leaks.".

Amend the bill as a whole by adding new sections designated sections 78.3 through 78.7, following sec. 78, to read as follows:

"Sec. 78.3. NRS 693A.495 is hereby amended to read as follows:

693A.495 1. No director, officer, employee or agent of the converting mutual, or any other person, may receive any fee, commission or other valuable consideration, other than his usual regular salary and compensation, for aiding, promoting or assisting in a plan of conversion except as set forth in the plan of conversion approved by the Commissioner.

2. Subsection 1 does not prohibit a management *or employee* incentive compensation program that is contained in the plan of conversion and approved by the Commissioner to be adopted upon conversion to the new stock insurer or prohibit such a program to be adopted later by the new stock insurer.

3. Subsection 1 does not prohibit the payment of reasonable fees and compensation to attorneys, accountants, actuaries and investment bankers for

services performed in the independent practice of their professions if the person is also a member of the board of directors of the converting mutual.

Sec. 78.5. NRS 693A.625 is hereby amended to read as follows:

693A.625 1. All the initial shares of the capital stock of a reorganized stock insurer must be issued to the mutual insurance holding company or to ~~[a single]~~ *one or more* intermediate stock holding ~~[company.]~~ *companies*.

2. Policyholders of a domestic mutual insurer that has been reorganized are members of the mutual insurance holding company, and their voting rights must be determined in accordance with the articles of incorporation and bylaws of the mutual insurance holding company. The mutual insurance holding company shall provide its members with the same membership rights as were provided to policyholders of the mutual insurer immediately before reorganization. The reorganization must not reduce, limit or otherwise affect the number or identity of the policyholders who may become members of the mutual insurance holding company or secure for managerial personnel any unfair advantage through or connected with the reorganization.

3. A mutual insurance holding company or an intermediate stock holding company formed pursuant to NRS 693A.550 to 693A.665, inclusive:

(a) Must not be authorized to transact the business of insurance;

(b) Is subject to the jurisdiction of the Commissioner, who shall ensure that policyholder interests are protected; and

(c) Shall be deemed to be an insurer for the purposes of chapter 696B of NRS.

4. An intermediate stock holding company formed pursuant to NRS 693A.550 to 693A.665, inclusive, shall be deemed to be a mutual insurance holding company subject to the provisions of NRS 693A.400 to 693A.540, inclusive.

5. A mutual insurance holding company formed pursuant to NRS 693A.550 to 693A.665, inclusive:

(a) Shall not issue stock.

(b) Shall invest in insurers not less than 50 percent of its net worth as determined by generally accepted accounting practices.

6. The aggregate pledges and encumbrances of the assets of a mutual insurance holding company must not affect more than 49 percent of the mutual insurance holding company's stock in an intermediate stock holding company or a reorganized stock insurer.

7. If any proceeding under chapter 696B of NRS is brought against a reorganized stock insurer, the mutual insurance holding company and *each* intermediate stock holding company must be named parties to the proceeding. All the assets of the mutual insurance holding company and ~~[the]~~ *each* intermediate stock holding company shall be deemed assets of the estate of the reorganized stock insurer to the extent necessary to satisfy claims against the reorganized stock insurer.

8. No distribution to members of a mutual insurance holding company may occur without the prior written approval of the Commissioner.

The Commissioner may give such approval only if he is satisfied that the distribution is fair and equitable to policyholders as members of the mutual insurance holding company.

9. No solicitation for the sale of the stock of an intermediate stock holding company or a reorganized stock insurer may be made without the prior written approval of the Commissioner.

10. A mutual insurance holding company or an intermediate stock holding company may not voluntarily dissolve without the approval of the Commissioner.

Sec. 78.7. NRS 693A.640 is hereby amended to read as follows:

693A.640 1. No director, officer, employee or agent of the mutual insurer, or any other person, may receive any fee, commission or other valuable consideration, other than his usual regular salary and compensation, for aiding, promoting or assisting in a plan of reorganization except as set forth in the plan of reorganization approved by the Commissioner.

2. Subsection 1 does not prohibit a management *or employee* incentive compensation program that is contained in the plan of reorganization and approved by the Commissioner to be adopted upon reorganization to the reorganized stock insurer or prohibit such a program to be adopted later by the reorganized stock insurer.

3. Subsection 1 does not prohibit the payment of reasonable fees and compensation to attorneys, accountants, actuaries and investment bankers for services performed in the independent practice of their professions if the person is also a member of the board of directors of the mutual insurer.”.

Amend sec. 85.5, page 73, line 14, by deleting “*and*” and inserting “*or*”.

Amend the bill as a whole by deleting sec. 95 and adding new sections designated sections 95 through 97, following sec. 94, to read as follows:

“Sec. 95. The amendatory provisions of sections 56.7 and 56.9 of this act:

1. Do not apply to any contract of annuity that is delivered or issued for delivery in this state before October 1, 2003.

2. Do not apply to any contract of annuity that is delivered or issued for delivery in this state on or after October 1, 2003, and before October 1, 2005, unless the company elects to incorporate the substance of those amendatory provisions into the contract.

3. Apply to any contract of annuity that is delivered or issued for delivery in this state on or after October 1, 2005.

Sec. 96. 1. The Governor or his designee shall conduct a study of the feasibility and potential benefits of consolidating the powers and duties of the Division of Insurance of the Department of Business and Industry and the Division of Industrial Relations of the Department of Business and Industry into a single division within the Department of Business and Industry.

2. The study must include, without limitation:

(a) An assessment of whether such a consolidation would increase administrative efficiency, improve regulation and result in cost savings.

(b) An assessment of whether such a consolidation would benefit the businesses and industries regulated by the Division of Insurance and the Division of Industrial Relations.

3. Not later than October 1, 2004, the Governor or his designee shall prepare a report that contains the findings of the study and submit the report and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Senators who served as members of the Senate Standing Committee on Commerce and Labor during the 72nd Session of the Nevada Legislature;

(b) The Assemblymen who served as members of the Assembly Standing Committee on Commerce and Labor during the 72nd Session of the Nevada Legislature; and

(c) Any other Senators or Assemblymen upon request.

Sec. 97. 1. This section and section 96 of this act become effective upon passage and approval.

2. Sections 3.3 and 3.7 of this act become effective:

(a) Upon passage and approval of this act, if Assembly Bill No. 79 of this session is enacted into law before passage and approval of this act; or

(b) Upon passage and approval of Assembly Bill No. 79 of this session, if Assembly Bill No. 79 of this session is enacted into law after passage and approval of this act.

3. Sections 56.7 and 56.9 of this act become effective on July 1, 2003, for the purpose of adopting regulations and on October 1, 2003, for all other purposes.

4. Sections 1, 2, 3, 4 to 56.5, inclusive, and 57 to 95, inclusive, of this act become effective on October 1, 2003.".

Amend the title of the bill, third line, after "information;" by inserting: "authorizing the Commissioner to examine the accounts, records, documents and transactions of an external review organization for certain purposes;".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 453.

Remarks by Assemblyman Goldwater.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Giunchigliani moved that the Assembly do not recede from its action on Senate Bill No. 147, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, McCleary, and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 147.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 519 just returned from the printer, be placed on the General File.

Motion carried.

Assemblywoman Buckley gave notice that on the next legislative day she would move to reconsider the vote whereby Senate Bill No. 66 was this day refused passage.

GENERAL FILE AND THIRD READING

Assembly Bill No. 519.

Bill read third time.

Roll call on Assembly Bill No. 519:

YEAS—42.

NAYS—None.

Assembly Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bill No. 519; Senate Bills Nos. 58, 106, 173, and 456 be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Goldwater moved that the Assembly do not recede from its action on Senate Bill No. 319, Amendment No. 884, Amendment No. 904, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Goldwater.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Leslie, Goldwater, and Gibbons as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 319.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Goldwater moved that the Assembly do not recede from its action on Senate Bill No. 102, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Goldwater.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Goldwater, Buckley, and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 102.

Assemblywoman Buckley moved that the Assembly recess until 6:00 p.m.

Motion carried.

Assembly in recess at 12:49 p.m.

ASSEMBLY IN SESSION

At 6:12 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 195, 548; Senate Bills Nos. 500, 501.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 13, Amendment No. 921; Assembly Bill No. 29, Amendment No. 919; Assembly Bill No. 286, Amendment No. 912, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 30, Senate Amendment No. 698, and requests a conference, and appointed Senators Nolan, Cegavske, and Mathews as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 114, Senate Amendment No. 678, and requests a conference, and appointed Senators Hardy, Tiffany, and Titus as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 355, Senate Amendment No. 769, and requests a conference, and appointed Senators Coffin, Tiffany, and O'Connell as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 358, Senate Amendments Nos. 852, 621, and requests a conference, and appointed Senators Amodei, Hardy, and Schneider as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 388, Senate Amendment No. 848, and requests a conference, and appointed Senators Townsend, Hardy, and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 398, Senate Amendment No. 857, and requests a conference, and appointed Senators Townsend, Hardy, and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 444, Senate Amendment No. 833, and requests a conference, and appointed Senators Nolan, Carlton, and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 529, Senate Amendment No. 548, and requests a conference, and appointed Senators Tiffany, Titus, and Raggio as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 51, 214, 381, 495.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 878 to Senate Bill No. 116; Assembly Amendments Nos. 890, 822 to Senate Bill No. 491.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 851 to Senate Bill No. 46; Assembly Amendment No. 779 to Senate Bill No. 229; Assembly Amendment No. 843 to Senate Bill No. 336.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hardy, Shaffer, and Schneider as a first Conference Committee concerning Senate Bill No. 193.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Carlton, Hardy, and Shaffer as a first Conference Committee concerning Senate Bill No. 372.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Care, Amodei, and Schneider as a first Conference Committee concerning Senate Bill No. 432.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bills Nos. 206, 207.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Manendo, Goicoechea, and Atkinson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 30.

Mr. Speaker appointed Assemblymen Oceguera, Sherer, and Ohrenschall as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 358.

Mr. Speaker appointed Assemblymen Chowning, Carpenter, and Claborn as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 444.

Mr. Speaker appointed Assemblymen Conklin, Beers, and Pierce as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 529.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 51.
Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 214.
Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 381.
Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 495.
Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.
Motion carried.

Senate Bill No. 500.
Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 501.
Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 521.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Assembly Bill No. 521:
YEAS—42.
NAYS—None.

Assembly Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 13.

The following Senate amendment was read:

Amendment No. 921.

Amend sec. 3, page 3, by deleting lines 32 and 33 and inserting: "*guilty shall sentence the defendant to life imprisonment without the possibility of parole or impanel a new jury to determine the sentence.*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 13.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 29.

The following Senate amendment was read:

Amendment No. 919.

Amend section 1, page 1, line 10, by deleting "*$5*" and inserting "*$7*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 29.

Remarks by Assemblyman Anderson.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 542.

The following Senate amendment was read:

Amendment No. 882.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent practicable, the Legislative Counsel shall cause each bill or joint resolution introduced in the Legislature to include a digest. The digest must be printed on the bill immediately following the title of the bill.

2. The digest must be drafted by the Legislative Counsel in plain English and include a concise and clear summary of any existing laws directly related to the legislation and a summary of how the legislation adds to, changes or repeals such existing laws. To the extent practicable, if either house amends a bill or joint resolution, the Legislative Counsel shall cause

the digest to be revised as necessary to reflect the adoption of the amendment. The digest is not subject to amendment by the Legislature.".

Amend sec. 9, page 6, between lines 18 and 19, by inserting:

"*3. If an amendment adds an appropriation to a bill that previously did not include an appropriation or removes all appropriations from a bill that previously included one or more appropriations, the Legislative Counsel shall change the summary of the bill to reflect the inclusion or removal.*".

Amend the bill as a whole by deleting sec. 22 and adding a new section designated sec. 22, following sec. 21, to read as follows:

"Sec. 22. NRS 426.715 is hereby amended to read as follows:

426.715 Any person who sells, solicits orders for or delivers, in any public building or on any public land, any commodity which a blind vendor is authorized by the Bureau to sell is guilty of a misdemeanor except:

1. A person licensed by or under contract to the Bureau;

2. A person who delivers a commodity to a blind vendor or for his account;

3. A person who is raising money for the charitable activities of a corporation organized for educational, religious, scientific, charitable or eleemosynary purposes under the provisions of chapter 82 of NRS;

4. Public employees jointly sharing in the cost of coffee or other beverages purchased by them for their own use, if there is no commercial arrangement for the delivery of products and supplies to the building or land;

5. A person who is catering an event inside or otherwise delivering food or beverages to the Legislative Building; or

~~[5.]~~ *6.* A person who is authorized to conduct such an activity under the terms of a contract, lease or other arrangement with a municipality pursuant to NRS 496.090.".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 542.

Remarks by Assemblymen Giunchigliani and Beers.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Leslie, Atkinson, and Grady as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 398.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Collins moved that the Assembly do not recede from its action on Senate Bill No. 336, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Collins.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Koivisto, McCleary, and Grady as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 336.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 40, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA2, which is attached to and hereby made a part of this report.

JOHN OCEGUERA	TERRY CARE
DAVID BROWN	MIKE MCGINNESS
BARBARA BUCKLEY	MARK E. AMODEI
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA2.

Amend section 1, page 1, line 10, by deleting "*Thirty*" and inserting "*Ninety*".

Assemblyman Oceguera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 40.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 81, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA3, which is attached to and hereby made a part of this report.

JOHN OCEGUERA	WARREN B. HARDY
BARBARA BUCKLEY	RAYMOND C. SHAFFER
DAVID BROWN	MICHAEL SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA3.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"2. Sec.NRS 600.500 is hereby amended to read as follows:

Except 600.500 as otherwise provided by express written agreement, an employer is the sole owner of any patentable invention or trade secret developed by his employee during the course *and scope* of the employment that relates directly to work performed during the course *and scope* of the employment.".

Amend the title of the bill, third line, after "marks;" by inserting: "limiting the right of an employer to own certain intellectual property developed by an employee;".

Assemblyman Oceguera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 81.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 206, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA1, which is attached to and hereby made a part of this report.

BERNIE ANDERSON	MARK E. AMODEI
ROD SHERER	TERRY CARE
WILLIAM HORNE	MIKE MCGINNESS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA1.

Amend sec. 38, page 25, line 16, by deleting "*nonresponsibility*" and inserting "*nonresponsibility.*".

Amend sec. 38, page 25, by deleting lines 17 through 32 and inserting:

"*Any lessee who causes a work of 4. improvement to be constructed, altered or repaired upon property that is leased shall provide a payment and completion bond from a surety licensed to do business in this state in an amount equal to not less than 1.5 times the total amount of the construction contract. The surety bond must be recorded in accordance with NRS 108.2415 to 108.2425, inclusive, before commencement of the construction, alteration or repair of the work of improvement and must be payable upon default by the lessee of any undisputed amount pursuant to the construction contract that is due and payable to the prime contractor for more than 30 days. If a lessee fails to record a surety bond as required pursuant to this section, the prime contractor may invalidate the construction contract and may recover damages including, without limitation, consequential damages, reasonable attorney's fees and costs.*

As used in this section, "disinterested 5. owner" means an owner who did not personally or through his agent or representative, directly or indirectly, request, require, authorize, consent to or cause a work of improvement, or any portion thereof, to be constructed, altered or repaired upon the property of the owner. The term must not be interpreted to invalidate a notice of nonresponsibility recorded pursuant to this section or to deny the rights granted pursuant to this section upon the recording of a notice of nonresponsibility because:

The disinterested owner is a lessor or (a) an optionor under a lease that requests, requires, authorizes or consents to his lessee causing the work of improvement to be constructed, altered or repaired upon the property;

The lessee personally or through his (b) agent or representative enters into a contract and causes the work of improvement to be constructed, altered or repaired upon the property; and

The lessor or optionor notifies the lessee in writing (c) that pursuant to subsection 4, the lessee must record a surety bond before causing a work of improvement to be constructed, altered or repaired upon the property.".

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 206.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 73, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA6, which is attached to and hereby made a part of this report.

MARCUS CONKLIN	MAURICE E. WASHINGTON
DAVID BROWN	
GENIE OHRENSCHALL	DINA TITUS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA6.

Amend sec. 2, page 4, by deleting lines 7 through 10 and inserting: "*inclusive, the court shall order the person to pay restitution.*".

Amend sec. 3, page 4, line 32, by deleting: "*and any costs*".

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 73.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 286.

The following Senate amendment was read:

Amendment No. 912.

Amend sec. 3, page 3, by deleting lines 42 and 43 and inserting: "for the benefit of all state officers and employees and other persons who participate in the Program.".

Amend sec. 3, page 4, by deleting lines 7 through 18 and inserting: "rates and coverage for active and retired state officers and employees and their dependents, commingle the claims experience of such active and retired officers and employees and their dependents.

(b) Except as otherwise provided in this paragraph, negotiate and contract with the governing body of any public agency enumerated in NRS 287.010 that wishes to obtain group insurance for its *active and retired* officers ~~[, employees and retired]~~ *and* employees *and their dependents* by participation in the Program. The Board shall establish separate rates and coverage for ~~[those officers, employees and retired]~~ *active and retired officers and* employees *of those public agencies and their dependents* based on actuarial

reports ~~[.]~~ *that commingle the claims experience of such active and retired officers and employees and their dependents*.".

Amend sec. 4, page 6, by deleting lines 41 through 44 and inserting:

"(b) The rates set forth in the contract are based on *:*

(1) For active and retired state officers and employees and their dependents, the commingled claims experience of *such* active and retired ~~[state]~~ officers and employees and their *dependents; and*

(2) For active and retired officers and employees of public agencies enumerated in NRS 287.010 that contract with the Program to obtain group insurance by participation in the Program and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents.".

Amend sec. 10, page 11, by deleting line 14 and inserting:

"Sec. 10. 1. This section and section 8 of this act become effective on July 1, 2003.

2. Sections 1 to 7, inclusive, and 9 of this act become effective on October 1, 2003.".

Amend the title of the bill by deleting the seventh through tenth lines and inserting: "government to ensure that rates established for coverage for their programs of group insurance are the same for all participants; requiring the Board of the Public Employees' Benefits Program to establish rates and coverage for active and retired officers and employees of local governments that participate in the Program and their dependents based on the separate commingled claims experience of those active and retired officers and employees and their dependents; providing a period of open".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 286.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Giunchigliani, Koivisto, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 355.

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

Assembly in recess at 6:35 p.m.

ASSEMBLY IN SESSION

At 6:52 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that BUREAU OF NATIONAL AFFAIRS: William Carlile, be accepted as a accredited press representative, that he be assigned space at the press table in the Assembly Chambers and that he be allowed use of appropriate broadcasting facilities.

Motion carried.

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

Assembly in recess at 6:53 p.m.

ASSEMBLY IN SESSION

At 6:57 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 207, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA4, which is attached to and hereby made a part of this report.

WILLIAM HORNE	TERRY CARE
JOHN C. CARPENTER	DENNIS NOLAN
GENIE OHRENSCHALL	MAURICE E. WASHINGTON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA4.

Amend the bill as a whole by renumbering sections 1 through 27 as sections 2 through 28 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner of an interest in real property may create a deed that conveys his interest in real property to a grantee which becomes effective upon the death of the owner. Such a conveyance is subject to liens on the property in existence on the date of the death of the owner.

2. The owner of an interest in real property who creates a deed pursuant to subsection 1 may designate in the deed:

(a) Multiple grantees who will take title to the property upon his death as joint tenants with right of survivorship, tenants in common, husband and wife as community property, community property with right of survivorship or any other tenancy that is recognized in this state.

(b) A successor in interest to the grantee. If a successor in interest is designated, the deed must include a provision stating the condition precedent for the interest of the successor to vest.

3. If the owner of the real property which is the subject of a deed created pursuant to subsection 1 holds the interest in the property as a joint tenant with right of survivorship or as community property with the right of survivorship and:

(a) The deed includes a conveyance of the interest from each of the other owners, the deed becomes effective on the date of the death of the last surviving owner; or

(b) The deed does not include a conveyance of the interest from each of the other owners, the deed becomes effective on the date of the death of the owner who created the deed only if the owner who conveyed his interest in real property to the grantee is the last surviving owner.

4. If an owner of an interest in real property who creates a deed pursuant to subsection 1 transfers his interest in the real property to another person during his lifetime, the deed created pursuant to subsection 1 is void.

5. The provisions of this section must not be construed to limit the recovery of benefits paid for Medicaid.".

Amend sec. 3, page 2, line 7, by deleting "*2*" and inserting "*3*".

Amend sec. 14, page 8, line 7, by deleting: "15 and 16" and inserting: "16 and 17".

Amend sec. 19, page 9, line 27, by deleting: "20 and 21" and inserting: "21 and 22".

Amend sec. 23, page 11, line 5, by deleting "*13*" and inserting "*14*".

Amend sec. 24, page 11, line 42, by deleting "*13*" and inserting "*14*".

Amend sec. 25, page 12, line 19, by deleting "*13*" and inserting "*14*".

Amend sec. 26, page 12, line 39, by deleting "*13*" and inserting "*14*".

Amend the title of the bill, first line, after "estates;" by inserting: "authorizing a person to convey his interest in real property in a deed which becomes effective upon his death;".

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 207.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Williams, Pierce, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 114.

Mr. Speaker appointed Assemblymen Koivisto, McCleary, and Christensen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 388.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Manendo moved that the Assembly do not recede from its action on Senate Bill No. 229, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Manendo.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen McCleary, Collins, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 229.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 16, 57, 190, 220, 223, 239, 254, 320, 325, 326, 369, 394, 401, 425, 429, 431, 432, 452, 459, 470, 509, 514, 515; Assembly Joint Resolution No. 13; Assembly Concurrent Resolutions No. 29, 30; Assembly Resolution No. 6; Senate Bills Nos. 19, 55, 76, 78, 82, 100, 112, 136, 146, 168, 176, 179, 181, 196, 241, 262, 309, 312, 320, 328, 329, 331, 332, 345, 354, 386, 407, 416, 423, 425, 426, 439, 444, 452, 453, 470, 475, 485, 486, 489; Senate Joint Resolutions No. 3, 4; Senate Concurrent Resolution No. 39.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Monica A. Courey and Dianne L. Higgins.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Guild, Kelsey Gregory, Mandy Schloegel, and Cristina Dreher.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Grace Higgins and Sally Higgins.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Nielsen, Erika Allee, Juan Araiza, Ivan Barajas, Jamie Chiarella, Alex Chichester, Noah Conrath, Christopher Dudley, Reid Evans, Cali Fennelly, Robert Fifer, Kenneth Gasaway, Pamela Gotera, Leonard Hernandez, Desirae Houle, Schinria Islam, Reem Itani, Daniel Juarez, Alexey Kanwetz, Blaise Labranch, Clayton Lewis, Gage Locke, Scott Mase, Jordan Mehrmafakham, Cassandra Melancon, Robert Morgan-Beesley,

Gabrielle Newman, Hilary Peil, Kristine Perez, Justin Ring, Whitney Roubo, Tyler Stokes, Whitney Thomas, Jenessa Warren, Timothy Woodard, Jakob Camarena, Bryan Chuan, Jaqueline Dory, Patrick Gamer, David Headrick, Donald Hoeck, Austin Iveson, Daniel Jara, James Johnson, Andrea Lynch, Britton Murdock, Jennifer Oring, Steven Owens, Niccolas Peralta, Kevin Peterson, Meryl Rasmussen, Anthony Rissone, Daniel Sanchez, Alexander Shaw, Cameron Sheridan, Ashley Ullrich, Delson Barr, Vivian Carbajal, Jaclyn Johnson, Angela Madera, Hilary Allen, Anthony Bass, Zachary Blackburn, Casey Brown, Mark Brown, Bradley Bush, Scott Carnahan, John Casey, Jose Evangelista, Tiffany Fortier, Santino Gallegos, Emily Hamilton, Dane Higgins, Hetty Hu, Laura Kreidberg, Trevor Landa, Jenni Laureano, Morgan McCombs, Jared Munson, Rosario Perez-Vincen, Erica Reid, Cassandra Summers, Glen Washington, Nicholas York, Ami Borrego, Luis Cabrera, Stacy Challis, Harvey Downs, Nicole Franke, Kelsy Galli, Sara Goodman, Ryan Iinuma, Shabatun Islam, Ariadna Martinez, Riley McKowan, Allie McLoughlin, Vanessa Moreno, Luke Mudge, Anthony Mustin, Paulina Pulleyn, William Richeson, Peter Savage, Amanda Schloegel, Joshua Shapiro, Marcus Smith, Shireen Spears, Cameron Walburg, Judson Wesnousky, Ashley Wingate, Chelsea Zuppan, Ann-Marie Zwischenberg, Nicole Koffler, and Ernesto Schaefer.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, May 29, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 7:01 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 29, 2003

Assembly called to order at 11:33 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Lord, in 1784 Benjamin Franklin wrote, "It is the duty of mankind on all suitable occasions to acknowledge their dependence on the Divine Being." We have so done at each of these sessions. Please hear us now as we try to finish the business at hand. We acknowledge that we cannot do it alone. In the Name of the Helper we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bill No. 537; Senate Bill No. 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 40.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 40.

Assemblyman Hardy moved the adoption of the resolution.

Remarks by Assemblyman Hardy.

Resolution adopted unanimously.

Assemblyman Oceguera moved that for the balance of the session, all rules be suspended and that all bills and joint resolutions passed be immediately transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 942.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. The Office of the Court Administrator is hereby encouraged, before allocating money for any other purpose, to allocate money from the special account administered pursuant to subsections 6, 7 and 8 of section 1 of Assembly Bill No. 29 of this session, to the extent that such money is available, for the establishment of a mental health court pursuant to NRS 176A.250 within the Eighth Judicial District of the State of Nevada.

Sec. 2. This act becomes effective on July 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT relating to courts; encouraging the Office of the Court Administrator to allocate certain money for the establishment of a mental health court within the Eighth Judicial District of the State of Nevada; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Encourages Office of the Court Administrator to allocate certain money for establishment of mental health court within Eighth Judicial District of State of Nevada. (BDR S-1089)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 954.

Amend sec. 10, page 5, line 19, by deleting "2003." and inserting: "2003, and expires by limitation on June 30, 2007.".

Amend the title of the bill, fifth line, after "Committee;" by inserting: "providing for the prospective expiration of the Committee;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 537; Senate Bills Nos. 264 and 473 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 537.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 943.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sec. 4 as section 1.

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 2.

Amend the title of the bill to read as follows:

"AN ACT relating to the state personnel system; authorizing the use of an arbitrator for certain grievances filed by an employee; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes use of arbitrator for certain grievances filed by state employees. (BDR 23-1155)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 264.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 944.

Amend sec. 29, page 15, by deleting lines 26 through 31 and inserting:

"(a) To pay ~~[the cost of quartering, feeding and clothing the offender.]~~ *any*

costs associated with the offender's participation in the program, to the extent of his ability to pay.

(b) To allow the offender necessary travel expense to and from work and his other incidental expenses.

(c) To support the offender's dependents.

(d) To pay, either in full or ratably, the offender's".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 473.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 941.

Amend section 1, page 2, line 17, by deleting "~~[75]~~ *30*" and inserting "75".

Amend section 1, page 2, line 38, by deleting "*10*" and inserting "*15*".

Amend sec. 2, page 6, line 17, by deleting "~~[$50,000,000]~~ *$5,000,000*" and inserting "$50,000,000".

Amend sec. 2, page 6, line 18, by deleting "*$1,000,000*" and inserting "*$2,000,000*".

Amend sec. 4, page 9, by deleting lines 3 and 4 and inserting: "*or equipment which is leased or purchased. In the case of machinery*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 550.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 550:

YEAS—40.

NAYS—Angle, Gustavson—2.

Assembly Bill No. 550 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Roll call on Senate Bill No. 164:

YEAS—42.

NAYS—None.

Senate Bill No. 164 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 263.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 263:

YEAS—42.

NAYS—None.

Senate Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 289.

Bill read third time.

Roll call on Senate Bill No. 289:

YEAS—42.

NAYS—None.

Senate Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 324.

Bill read third time.

Roll call on Senate Bill No. 324:

YEAS—42.

NAYS—None.

Senate Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 10.

Resolution read third time.

The following amendment was proposed by Assemblywoman Pierce:

Amendment No. 945.

Amend the resolution, page 2, line 37, after "the" by inserting "concept of".

Amend the resolution, page 2, between lines 41 and 42, by inserting:

"RESOLVED, That the members of the 72nd Session of the Nevada Legislature hereby urge that all aspects of the development and formalization of a final plan for the consolidation of certain public and private lands in Pershing County comply with all applicable federal laws and regulations governing the environment, including, without limitation, the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq.; and be it further".

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblywoman Buckley moved that the vote whereby Senate Bill No. 66 was refused passage be reconsidered.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblymen Goldwater and Ohrenschall.

Conflict of interest declared by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 66:

YEAS—20.

NAYS—Andonov, Angle, Atkinson, Beers, Brown, Christensen, Conklin, Geddes, Goicoechea, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Leslie, Mabey, Marvel, Mortenson, Sherer, Weber—21.

NOT VOTING—Ohrenschall.

Senate Bill No. 66 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

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

Assembly in recess at 12:00 p.m.

ASSEMBLY IN SESSION

At 12:16 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 353, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

WILLIAM HORNE	BARBARA CEGAVSKE
KELVIN ATKINSON	BOB COFFIN
JASON GEDDES	
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 353.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 218, consisting of the undersigned members, has met and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

MARK MANENDO	DENNIS NOLAN
KELVIN ATKINSON	
JOE HARDY	SANDRA TIFFANY
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Manendo moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 218.

Remarks by Assemblyman Manendo.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Chowning, McCleary, and Mabey as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 218.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 295.

The following Senate amendment was read:

Amendment No. 762.

Amend sec. 2, page 2, by deleting lines 6 through 14 and inserting: "*person to be qualified to bid on:*

1. Contracts for public works of the local government if the person has been determined by:

(a) The State Public Works Board pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to the criteria set forth in NRS 338.1375; or

(b) The governing body of another local government pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 295.

Remarks by Assemblyman Manendo.
Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 23.
The following Senate amendment was read:
Amendment No. 850.
Amend section 1, page 2, by deleting lines 6 through 40 and inserting:

"1 Clark	$54,000	~~[$100,800~~	~~$84,000~~	~~$72,000~~	~~$72,000~~	~~$72,000~~	~~$72,000~~	~~$72,000]~~
		$155,745	*$134,263*	*$95,760*	*$95,760*	*$95,760*	*$95,760*	*$95,760*
2 Washoe	39,600	~~[96,000~~	~~78,000~~	~~66,000~~	~~66,000~~	~~66,000~~	~~66,000~~	~~66,000]~~
		137,485	*110,632*	*87,780*	*87,780*	*87,780*	*87,780*	*87,780*
3 Carson City	18,000	~~[72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~--------~~	~~51,360~~	~~--------]~~
		98,707	*81,846*	*68,309*	*68,309*	--------	*68,309*	--------
Churchill	18,000	~~[72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~51,360~~	~~--------~~	~~--------]~~
		98,707	*81,846*	*68,309*	*68,309*	*68,309*	--------	--------
Douglas	18,000	~~[72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~51,360~~	~~--------~~	~~--------]~~
		98,707	*81,846*	*68,309*	*68,309*	*68,309*	--------	--------
Elko	18,000	~~[72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~51,360~~	~~51,360~~	~~--------]~~
		98,707	*81,846*	*68,309*	*68,309*	*68,309*	*68,309*	--------
Humboldt	*18,000*	*98,707*	*81,846*	*68,309*	*68,309*	*68,309*	*68,309*	--------
Lyon	18,000	~~[72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~51,360~~	~~--------~~	~~--------]~~
		98,707	*81,846*	*68,309*	*68,309*	*68,309*	--------	--------
Nye	18,000	~~[72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~51,360~~	~~51,360~~	~~--------]~~
		98,707	*81,846*	*68,309*	*68,309*	*68,309*	*68,309*	--------
~~[4 Humboldt~~	~~18,000~~		~~68,340~~	~~54,000~~	~~42,840~~	~~42,840~~	~~42,840~~	~~42,840~~
~~--------]~~								
4 Lander	18,000	~~[68,340~~	~~54,000~~	~~42,840~~	~~42,840~~	~~42,840~~	~~42,840~~	~~--------]~~
		93,223	*73,662*	*56,977*	*56,977*	*56,977*	*56,977*	--------
White Pine	18,000	~~[68,340~~	~~54,000~~	~~42,840~~	~~42,840~~	~~42,840~~	~~42,840~~	~~--------]~~
		93,223	*73,662*	*56,977*	*56,977*	*56,977*	*56,977*	--------
5 Eureka	15,240	~~[60,300~~	~~43,200~~	~~38,400~~	~~38,400~~	~~38,400~~	~~--------~~	~~--------]~~
		82,256	*58,929*	*51,072*	*51,072*	*51,072*	--------	--------
Lincoln	15,240	~~[60,300~~	~~43,200~~	~~38,400~~	~~38,400~~	~~38,400~~	~~38,400~~	~~--------]~~
		82,256	*58,929*	*51,072*	*51,072*	*51,072*	*51,072*	--------
Mineral	15,240	~~[60,300~~	~~43,200~~	~~38,400~~	~~38,400~~	~~38,400~~	~~--------~~	~~--------]~~
		82,256	*58,929*	*51,072*	*51,072*	*51,072*	--------	--------
Pershing	15,240	~~[60,300~~	~~43,200~~	~~38,400~~	~~38,400~~	~~38,400~~	~~--------~~	~~--------]~~
		82,256	*58,929*	*51,072*	*51,072*	*51,072*	--------	--------
Storey	*15,240*	*82,256*	*58,929*	*51,072*	*51,072*	*51,072*	--------	--------
6 Esmeralda	12,000	~~[47,880~~	~~38,400~~	~~33,600~~	~~33,600~~	~~33,600~~	~~--------~~	~~--------]~~
		65,314	*52,382*	*44,688*	*44,688*	*44,688*	--------	--------
~~[Storey~~	~~15,240~~	~~47,880~~	~~43,200~~	~~38,400~~	~~38,400~~	~~38,400~~	~~--------~~	~~--------]~~

3. Notwithstanding the provisions of subsection 2, a board of county commissioners, by a vote of the majority of the board, may set the annual salary for the county commissioners of that county at a rate higher than the salary provided pursuant to subsection 2. A board of county commissioners is not limited in the number of times that it may raise the salary of the county commissioners for that county.".

Amend the bill as a whole by deleting sections 2 through 6 and adding new sections designated sections 2 through 5, following section 1, to read as follows:

"Sec. 2. Except as otherwise provided in section 3 of this act, each county shall commence payment of the increased annual salaries of the elected officers of the county set forth in the table of annual salaries

contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, on July 1, 2003.

Sec. 3. 1. Except as otherwise provided in subsection 3, a board of county commissioners may apply to the Committee on Local Government Finance for a waiver from the requirement to increase the annual salaries of elected officers of the county to the annual salaries set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, if the board determines that the financial resources of the county are insufficient to pay those increased annual salaries in Fiscal Year 2003-2004. The Committee on Local Government Finance shall grant such a waiver if it finds that the financial resources of the county are insufficient to pay those increased annual salaries in Fiscal Year 2003-2004.

2. A board of county commissioners that has been granted a waiver for a fiscal year may apply to the Committee on Local Government Finance for an additional waiver for the next consecutive fiscal year if it finds that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act. There is no limitation on the number of waivers for consecutive fiscal years that the board of county commissioners may be granted if the board of county commissioners finds that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in that fiscal year.

3. After commencing payment of the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, a board of county commissioners may not apply for a waiver in any subsequent fiscal year.

4. The increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, must not be paid retroactively for a period to which a waiver granted pursuant to subsection 1 is applicable.

Sec. 4. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. This act becomes effective upon July 1, 2003.”.

Amend the title of the bill, second line, by deleting: “district attorneys and sheriffs;” and inserting: “certain elected county officers; providing that a board of county commissioners may vote to raise the annual salary for a county commissioner of that county;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Increases compensation of certain elected county officers. (BDR 20-163)”.

Assemblyman Manendo moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 23.

Remarks by Assemblyman Manendo.

Motion carried.

Bill ordered transmitted to the Senate.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 498, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA8, which is attached to and hereby made a part of this report.

DAVID GOLDWATER	WARREN B. HARDY
BARBARA BUCKLEY	RAYMOND C. SHAFFER
DAVID BROWN	MICHAEL SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA8.

Amend sec. 14, pages 14 and 15, by deleting lines 22 through 45 on page 14 and lines 1 through 13 on page 15, and inserting:

"Sec. 14. NRS 40.251 is hereby amended to read as follows:

40.251 *1. A* tenant of real property, a recreational vehicle or a mobile home for a term less than life is guilty of an unlawful detainer when having leased:

~~[1.]~~ *(a)* Real property, except as otherwise provided in this section, or a mobile home for an indefinite time, with monthly or other periodic rent reserved, he continues in possession thereof, in person or by subtenant, without the landlord's consent after the expiration of a notice of:

~~[(a)]~~ *(1)* For tenancies from week to week, at least 7 days;

~~[(b) For~~]

(2) Except as otherwise provided in subsection 2, for all other periodic tenancies, at least 30 days; or

~~[(c)]~~ *(3)* For tenancies at will, at least 5 days.

~~[2.]~~ *(b)* A dwelling unit subject to the provisions of chapter 118A of NRS, he continues in possession, in person or by subtenant, without the landlord's consent after expiration of:

~~[(a)]~~ *(1)* The term of the rental agreement or its termination and, except as otherwise provided in ~~[paragraph (b),]~~ *subparagraph (2),* the expiration of a notice of ~~[at]~~ *:*

(I) At least 7 days for tenancies from week to week *;* and

(II) Except as otherwise provided in subsection 2, at least 30 days for all other periodic tenancies; or

~~[(b)]~~ *(2)* A notice of at least 5 days where the tenant has failed to perform his basic or contractual obligations under chapter 118A of NRS.

~~[3.]~~ *(c)* A mobile home lot subject to the provisions of chapter 118B of NRS, or a lot for a recreational vehicle in an area of a mobile home park

other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215, he continues in possession, in person or by subtenant, without the landlord's consent ~~[, after]~~ *:*

(1) After notice has been given pursuant to NRS 118B.115, 118B.170 or 118B.190 and the period of the notice has expired ~~[.~~

~~4.]~~ *; or*

(2) If the person is not a natural person and has received three notices for nonpayment of rent within a 12-month period, immediately upon failure to pay timely rent.

(d) A recreational vehicle lot, he continues in possession, in person or by subtenant, without the landlord's consent, after the expiration of a notice of at least 5 days.

2. Except as otherwise provided in this section, if a tenant with a periodic tenancy pursuant to paragraph (a) or (b) of subsection 1, other than a tenancy from week to week, is 60 years of age or older or has a physical or mental disability, the tenant may request to be allowed to continue in possession for an additional 30 days beyond the time specified in subsection 1 by submitting a written request for an extended period and providing proof of his age or disability. A landlord may not be required to allow a tenant to continue in possession if a shorter notice is provided pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Any notice provided pursuant to paragraph (a) or (b) of subsection 1 must include a statement advising the tenant of the provisions of subsection 2.

4. If a landlord rejects a request to allow a tenant to continue in possession for an additional 30 days pursuant to subsection 2, the tenant may petition the court for an order to continue in possession for the additional 30 days. If the tenant submits proof to the court that he is entitled to request such an extension, the court may grant the petition and enter an order allowing the tenant to continue in possession for the additional 30 days. If the court denies the petition, the tenant must be allowed to continue in possession for 5 calendar days following the date of entry of the order denying the petition.".

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 14, to read as follows:

"Sec. 15. This act becomes effective on July 1, 2003.".

Amend the title of the bill, first line, by deleting: "manufactured home parks;" and inserting: "property; increasing the length of notice before a person who is 60 years of age or older or who has a disability may be evicted from certain periodic tenancies under certain circumstances;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes regarding manufactured home parks and tenants of real property. (BDR 10-1296)".

Assemblyman Goldwater moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 498.

Remarks by Assemblyman Goldwater.
Motion carried by a constitutional majority.

Assemblywoman Buckley moved that the Assembly recess until 5:30 p.m.
Motion carried.

Assembly in recess at 12:25 p.m.

ASSEMBLY IN SESSION

At 5:38 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

Also, your Committee on Elections, Procedures, and Ethics, to which was referred Senate Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 7; Senate Bills Nos. 340, 368, 502.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 313, Amendment No. 926; Assembly Bill No. 518, Amendment No. 930; Assembly Bill No. 534, Amendment No. 933; Assembly Joint Resolution No. 11, Amendment No. 923, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 473.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 464, 499.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 846 to Senate Bill No. 415.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cegavske, Rawson, and Mathews as a first Conference Committee concerning Senate Bill No. 34.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, McGinness, and Schneider as a first Conference Committee concerning Senate Bill No. 97.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hardy, Shaffer, and Schneider as a first Conference Committee concerning Senate Bill No. 102.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Titus, Wiener, and Cegavske as a first Conference Committee concerning Senate Bill No. 231.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hardy, O'Connell, and Schneider as a first Conference Committee concerning Senate Bill No. 319.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, McGinness, and Schneider as a first Conference Committee concerning Senate Bill No. 336.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Wiener, Amodei, and Care as a first Conference Committee concerning Senate Bill No. 436.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 40, 73, 81.

MARY JO MONGELLI
Assistant Secretary of the Senate

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

Assembly in recess at 5:39 p.m.

ASSEMBLY IN SESSION

At 5:40 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 14.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 948.

Amend the resolution, page 1, by deleting line 12 and inserting: "directed to appoint a subcommittee to study the".

Amend the resolution, page 1, by deleting line 14 and inserting:

"1. At least two members from the Assembly who serve on the".

Amend the resolution, page 1, by deleting line 16 and inserting:

"2. At least two members from the Senate who serve on the Committee".

Amend the resolution, page 2, line 1, by deleting "interim committee;" and inserting "subcommittee;".

Amend the resolution, page 2, by deleting lines 14 and 15 and inserting: "subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee; and be it further".

Amend the title of the bill by deleting the second line and inserting: "Legislative Commission to appoint a subcommittee to study the".

Amend the summary of the bill to read as follows:

"SUMMARY—Directs Legislative Commission to appoint subcommittee to study election, ethics and campaign laws in this state. (BDR R-684)".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the Resolution File.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 340.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 368.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 464.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 499.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 502.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 495.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 11.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 537; Senate Bills Nos. 264, 473; and Senate Joint Resolution No. 10 just returned from the printer, be placed on the General File.

Motion carried.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bill No. 238 and Senate Bill No. 137 just returned from the printer, be declared emergency measures under the Constitution and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 238.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 238:

YEAS—42.

NAYS—None.

Assembly Bill No. 238 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 537.

Bill read third time.

Remarks by Assemblyman Brown.

Roll call on Assembly Bill No. 537:

YEAS—27.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Geddes, Grady, Griffin, Hardy, Hettrick, Mabey, Marvel, Sherer, Weber—15.

Assembly Bill No. 537 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 137:

YEAS—42.

NAYS—None.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 264.

Bill read third time.

Roll call on Senate Bill No. 264:

YEAS—42.

NAYS—None.

Senate Bill No. 264 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 473.

Bill read third time.

Remarks by Assemblymen Goldwater, Grady, Christensen, Beers, Parks, and Atkinson.

Assemblymen Giunchigliani, Arberry, and Perkins moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 473.

Roll call on Senate Bill No. 473:

YEAS—38.

NAYS—Anderson, Collins, Goldwater, McCleary—4.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 10.

Resolution read.

Roll call on Senate Joint Resolution No. 10:

YEAS—36.

NAYS—Carpenter, Geddes, Giunchigliani, Leslie, Manendo—5.

NOT VOTING—Angle.

Senate Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 132, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA7, which is attached to and hereby made a part of this report.

BERNIE ANDERSON	VALERIE WIENER
SHARRON ANGLE	MAURICE E. WASHINGTON
WILLIAM HORNE	RANDOLPH J. TOWNSEND
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA7.

Amend section 1, page 1, line 3, by deleting "*subsection*" and inserting: "*subsections 3 and*".

Amend section 1, page 1, line 4, by deleting "*any*" and inserting: "*in each judicial district that includes a county whose population is 400,000 or more:*

(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, other than a hearing held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 or a hearing held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately, must be open to the general public unless the judge or master, upon his own motion or upon the

motion of another person, determines that all or part of the proceeding must be closed to the general public because such closure is in the best interests of the child who is the subject of the proceeding. In determining whether closing all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or master must consider and give due weight to the desires of that child.

(b) If the judge or master determines pursuant to paragraph (a) that all or part of a proceeding must be closed to the general public:

(1) The judge or master must make specific findings of fact to support such a determination; and

(2) The general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or master, may be admitted to the proceeding.

(c) Any proceeding held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 and any proceeding held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately must be closed to the general public unless the judge or master, upon his own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or master must consider and give due weight to the desires of that child. If the judge or master determines pursuant to this paragraph that all or part of a proceeding must be open to the general public, the judge or master must make specific findings of fact to support such a determination. Unless the judge or master determines pursuant to this paragraph that all or part of a proceeding described in this paragraph must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or master, may be admitted to the proceeding.

2. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is less than 400,000:

(a) Any".

Amend section 1, page 2, line 1, by deleting "*2.*" and inserting:

"*(b) If the judge or master determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the judge or master must make specific findings of fact to support such a determination.*

(c)".

Amend section 1, page 2, line 2, by deleting "*subsection 1*" and inserting "*paragraph (a)*".

Amend section 1, page 2, by deleting line 3 and inserting "*general public,*".

Amend section 1, page 2, by deleting lines 7 through 10 and inserting:

"*3. Except as otherwise provided in subsection 4 and NRS 432B.457, in a proceeding held pursuant to NRS 432B.470, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or master, may be admitted to the proceeding.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. The Court Administrator shall collect information from the clerks of the district courts concerning:

(a) The effect of the amendatory provisions of this act on children who are involved in proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive;

(b) The operation of the child welfare system in this state; and

(c) Any other issue about which the Legislative Committee on Children, Youth and Families requests information.

2. The Court Administrator shall:

(a) On or before July 1, 2004, or by another date determined by the Legislative Committee on Children, Youth and Families, submit to the Committee a written report compiling the information collected pursuant to subsection 1; and

(b) On or before January 1, 2005, submit to the Director of the Legislative Counsel Bureau for transmittal to the 73rd Session of the Nevada Legislature a written report compiling the most recent and updated information collected pursuant to subsection 1."

Amend the title of the bill to read as follows:

"AN ACT relating to the protection of children; providing that in certain judicial districts proceedings concerning the abuse or neglect of children are presumptively open to the public and that in certain judicial districts such proceedings are presumptively closed to the public; requiring the Court Administrator to prepare reports concerning the child welfare system; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides that in certain judicial districts proceedings concerning abuse or neglect of children are presumptively open to public and that in certain judicial districts such proceedings are presumptively closed to public. (BDR 38-689)".

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 132.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

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

Assembly in recess at 6:07 p.m.

ASSEMBLY IN SESSION

At 6:30 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Gustavson gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 537 was this day passed.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 11.

The following Senate amendment was read:

Amendment No. 923.

Amend the resolution, page 2, by deleting lines 21 through 27.

Amend the resolution, page 2, line 28, by deleting "*6.*" and inserting "*5.*".

Amend the resolution, page 2, by deleting lines 31 through 35 and inserting:

"*6. The* Legislature shall ~~[at its regular session next preceding the expiration of the term of Office of said Board of Regents provide for the election of a new]~~ *define the duties of the members of the* Board of Regents . ~~[and define their duties.]~~".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 11.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Resolution ordered to enrollment.

Assembly Bill No. 313.

The following Senate amendment was read:

Amendment No. 926.

Amend section 1, pages 1 and 2, by deleting lines 16 through 19 on page 1 and lines 1 through 22 on page 2, and inserting:

"Section 1. 1. The Legislative Committee on Health Care shall appoint a subcommittee to conduct an interim study concerning staffing of the system for the delivery of health care in Nevada. The interim study must include:

(a) The use of established methods of analysis and technical models developed by the National Center for Health Workforce Analysis of the Bureau of Health Professions of the Health Resources and Services Administration of the United States Department of Health and Human Services and the Regional Centers for Health Workforce Studies located in:

(1) The University of California at San Francisco;

(2) The University of Illinois at Chicago;

(3) The State University of New York at Albany; and

(4) The University of Washington.

(b) A comprehensive evaluation of the current requirements in Nevada for staffing of the system for the delivery of health care.

(c) A comprehensive evaluation of the required methods of record keeping by medical facilities or other organizations that provide organized nursing services of statistics relating to staffing and patient care.

(d) The identification of conditions under which nurses may refuse work assignments without jeopardizing the quality of patient care.

(e) A survey of the staffing of the system for the delivery of health care in Nevada that is required by the Bureau of Licensure and Certification of the Health Division of the Department of Human Resources, the Joint Commission on Accreditation of Healthcare Organizations and any other state or federal law concerning medical facilities or other organizations that provide organized nursing services.

(f) A comprehensive evaluation of the practices of recruitment and retention of staff that are used by medical facilities and other organizations that provide organized nursing services in Nevada.

(g) Recommendations regarding staffing of the system for the delivery of health care in Nevada.

(h) A comprehensive evaluation of any disaster or emergency situations that would not be covered in any recommendations for the staffing of the system for the delivery of health care.

2. Except as otherwise provided in this subsection, to satisfy the objectives of the study, the subcommittee shall collaborate with a statewide advisory group of persons consisting of one representative appointed by each of the following:

(a) The Nevada Nurses' Association.

(b) The Bureau of Licensure and Certification of the Health Division of the Department of Human Resources.

(c) The Nevada Hospital Association.

(d) The State Board of Nursing.

(e) The Nevada State Medical Association.

(f) Two organizations that represent the interests of nursing selected by the Chairman of the subcommittee.

(g) The University and Community College System of Nevada.

(h) The Nevada Rural Hospital Flexibility Program Partners of the Nevada Office of Rural Health of the University of Nevada School of Medicine.

(i) The Nevada Area Health Education Center Program of the Center for Education and Health Services Outreach of the University of Nevada School of Medicine.

(j) A qualified peer review organization that is governed by Titles XI and XVIII of the Social Security Act.

3. The subcommittee appointed pursuant to this section shall submit a report of its findings and any recommendations for legislation to the Legislative Committee on Health Care on or before June 1, 2004. The

Legislative Committee on Health Care shall submit the report of the subcommittee and any recommendations for legislation on or before July 1, 2004, to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and the 73rd Session of the Nevada Legislature.

4. As used in this section, "system for the delivery of health care" has the meaning ascribed to it in NRS 632.0195.".

Amend the preamble of the bill, page 1, by deleting lines 1 through 11 and inserting:

"WHEREAS, Adequate levels of staffing of the system for the delivery of health care are among many of the components that help ensure the delivery of health care services in a manner that promotes proper care of patients and optimum outcomes; and

WHEREAS, The availability of adequate nursing staff is paramount to the access to high quality health care services in Nevada; and

WHEREAS, Appropriate staffing of the system for the delivery of health care helps ensure the quality of health care services provided to patients of the system for the delivery of health care in Nevada; now, therefore,".

Amend the title of the bill to read as follows:

"AN ACT relating to health care; directing the Legislative Committee on Health Care to appoint a subcommittee to conduct an interim study of staffing of the system for the delivery of health care in Nevada; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Directs Legislative Committee on Health Care to appoint subcommittee to conduct interim study of staffing of system for delivery of health care in Nevada. (BDR S-729)".

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 313.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 518.

The following Senate amendment was read:

Amendment No. 930.

Amend section 1, page 2, by deleting lines 12 through 19 and inserting:

"Section 1. 1. Except as otherwise provided in subsection 2, for the period beginning on June 1, 2003, and ending on July 1, 2004, the Transportation Services Authority shall not accept the submission or filing of any application for the modification of a certificate of public convenience and".

Amend section 1, page 2, line 25, after "2." by inserting: "The Transportation Services Authority:

(a) Shall process each application for any new or modified certificate of public convenience and necessity that is received by the Authority before June 1, 2003, in the order in which it was received.

(b) Except as otherwise provided in this paragraph, during the period beginning on June 1, 2003, and ending on July 1, 2004, shall accept the submission and filing of applications for a new certificate of public convenience and necessity for the operation of a livery or traditional limousine in a county whose population is 400,000 or more. Applications submitted and filed as described in this paragraph must be processed in the ordinary course of business and without undue delay. The Authority shall not, during that period:

(1) Accept the submission and filing of more than one application by any one applicant.

(2) Approve the operation of more than two livery or traditional limousines per each such application.

3.".

Amend section 1, page 2, by deleting lines 28 through 30 and inserting: "Authority is void and revoked for the period from June 1, 2003, to July 1, 2004, to the extent that the carrier has not, before June 1, 2003, registered in this state each".

Amend section 1, page 2, line 33, by deleting "3." and inserting "4.".

Amend section 1, page 2, between lines 42 and 43, by inserting: "The term does not include a limousine for which the operator is not required to obtain a certificate of public convenience and necessity from the Transportation Services Authority.".

Amend sec. 2, page 3, by deleting lines 6 through 16 and inserting:

"Sec. 2. 1. The Legislative Commission shall direct a study of issues relating to the allocation of limousines.

2. The study must consider:".

Amend sec. 2, page 3, by deleting lines 25 through 31 and inserting: "the Commission deems appropriate.

3. The Commission may apply for any available grants and accept gifts, grants or donations to assist the Commission in conducting the study.

4. The Commission may contract with or enter into an agreement with a public or private agency that has the experience necessary to conduct a study of the type described in subsection 2.

5. The Commission shall, on or before April 30, 2004, submit the final results of the study to the Transportation Services Authority. The".

Amend sec. 2, pages 3 and 4, by deleting lines 35 through 45 on page 3 and lines 1 through 6 on page 4.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. 1. On or before May 28, 2004, the Legislative Commission shall, based upon information gathered during the study described in section 2 of this act, provide to the Transportation Services Authority the

recommendation of the Commission as to whether the Authority should establish by regulation a system of allocations for limousines.

2. The Authority shall consider the recommendation of the Commission and if the Authority determines, based upon information gathered during the study, that it would be advisable to establish a system of allocations for limousines, the Authority may, except as otherwise provided in subsection 3, adopt regulations in accordance with chapter 233B of NRS establishing a system of allocations for limousines. If established, such a system must set forth the number of limousines that may be operated by a person who holds a certificate of public convenience and necessity for the operation of a livery or traditional limousine, as applicable.

3. On or before June 15, 2004, the Authority shall publicly announce whether it will establish by regulation a system of allocations for limousines.

4. As used in this section:

(a) "Livery limousine" has the meaning ascribed to it in section 1 of this act.

(b) "Traditional limousine" has the meaning ascribed to it in section 1 of this act.

Sec. 4. The provisions of this act do not limit, prohibit, restrict or otherwise affect the consideration of or processing of any application for:

1. A new certificate of public convenience and necessity; or

2. The modification of a certificate of public convenience and necessity,

that is filed with or submitted to the Transportation Services Authority before June 1, 2003.".

Amend the preamble of the bill, pages 1 and 2, by deleting lines 1 through 14 on page 1 and lines 1 through 7 on page 2, and inserting:

"WHEREAS, In Southern Nevada an excessive number of limousines may negatively affect the integrity and viability of the limousine industry and may negatively affect the taxi industry, as well as cause conflict between taxi and limousine drivers and companies which could negatively impact the tourism industries; now, therefore,".

Amend the title of the bill to read as follows:

"AN ACT relating to limousines; temporarily prohibiting the Transportation Services Authority from accepting certain applications relating to certificates of public convenience and necessity for the operation of limousines; temporarily prohibiting fully regulated carriers from increasing the number of limousines which they operate; directing the Legislative Commission to conduct a study of issues relating to the allocation of limousines; authorizing the Transportation Services Authority under certain circumstances to adopt regulations providing for a system of allocations for limousines; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 518.

Remarks by Assemblywoman Chowning.
Motion carried.
Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Ted Angle and Cindy Bush.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to John Nunn, Trudy Nunn, and Megan Nunn.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Stacey Chambers, Susan Hoffman, Adam Baisley, Aaron Bender, Brian Bender, John Bommelman (Kepp), Isabeau Bustamante, Marisa Cook, Annika Crowe, Tiffany Evans, Jessica Fitch, Ryan French, Alex Fuentes, Sarah Graves, Jennifer Hobson, Ne'Jae, Jackson, Nicole Kawchack, Cody Lee, Trevor Logan, Jessica Lutz, Daniel O'Farrell, Matthew Oakden, Lauren Ornelas, Kimberly Price, Emily Robertson, Alexandra Rosenberg, Kelby Todd, Brittany Toothman, Nicole Watts, Jonah Young-Haines, Katrina Rowe, Kaitlin Babbitt, Morgan Blomstrom, Taylor Carney, Ricardo Contreras, Katherine Crowe, Lizbeth Garcia, Noe Garcia, Edgar Gonzalez, Levi Grabow, Emily Heimark, Stefanie Jacinto, Kevin Kendrick, Julianne King, Elisabeth Linn, Michael Look, Denise Martinez, Yoana Martinez, Lindsey Painter, Fernanda Rodriquez, Kelsey Rogers, Jacob Rosol, Alyson Rush, Jake Sells, Emily Shultz, Jeremy Tigh, Joshua Tigh, Sarah Tigh, Kyle Willens, and Preston Winkelman.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, May 30, 2003, at 11:00 a.m.
Motion carried.

Assembly adjourned at 6:35 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), May 30, 2003

Assembly called to order at 11:25 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Lord of Heaven and Earth, as we near the end of this session of the Nevada State Legislature, I want to thank You for the members of the Assembly and their staffs. I especially want to thank You for the tremendous support here at the Legislative Counsel Bureau. Thank You for all those in the Administrative, Legal, Audit, Research, and Fiscal Divisions. Where would we be without them all? Of course, we would be lost without our Front Desk. Thank You for Diane, Matthew, Cindy, Kathryn, Harle, and Jason who serve under the marvelous leadership of Jacque. And thank You, Lord, for giving us a land where we have such freedoms as this.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 14.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted, as amended.

SECOND READING AND AMENDMENT

Senate Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 935.

Amend the bill as a whole by adding new sections designated sections 3.3 and 3.7, following sec. 3, to read as follows:

"Sec. 3.3. NRS 501.171 is hereby amended to read as follows:

501.171 1. A county advisory board to manage wildlife shall submit written nominations for appointments to the Commission upon the request of the Governor and may submit nominations at any other time.

2. After consideration of the written nominations submitted by a county advisory board to manage wildlife and any additional candidates for appointment to the Commission, the Governor shall appoint to the Commission:

(a) One member who is actively engaged in the conservation of wildlife;

(b) One member who is actively engaged in farming;

(c) One member who is actively engaged in ranching;

(d) One member who represents the interests of the general public; and

(e) Five members who during at least 3 of the 4 years immediately preceding their appointment held a resident license to fish or hunt, or both, in Nevada.

3. The Governor shall not appoint to the Commission any person who has been convicted of:

(a) A *felony or* gross misdemeanor for a violation of NRS 501.376 *;* ~~[, 502.060 or 504.395; or]~~

(b) *A gross misdemeanor for a violation of NRS 502.060 or 504.395; or*

(c) Two or more violations of the provisions of chapters 501 to 504, inclusive, of NRS, during the previous 10 years.

4. Not more than three members may be from the same county whose population is 400,000 or more, not more than two members may be from the same county whose population is 100,000 or more but less than 400,000, and not more than one member may be from the same county whose population is less than 100,000.

5. The Commission shall annually select a Chairman and a Vice Chairman from among its members. A person shall not serve more than two consecutive terms as Chairman.

Sec. 3.7. NRS 501.172 is hereby amended to read as follows:

501.172 1. A member of the Commission may be removed from office for just cause.

2. A member of the Commission must be removed from office for:

(a) A conviction of a *felony or* gross misdemeanor for a violation of NRS 501.376 *;* ~~[, 502.060 or 504.395; or]~~

(b) *A conviction of a gross misdemeanor for a violation of NRS 502.060 or 504.395; or*

(c) Two or more convictions of violating the provisions of chapters 501 to 504, inclusive, of NRS.”.

Amend the bill as a whole by renumbering sec. 4.5 as sec. 4.3 and adding a new section designated sec. 4.7, following sec. 4.5, to read as follows:

“Sec. 4.7. NRS 501.376 is hereby amended to read as follows:

501.376 1. ~~[Any person who unlawfully kills or possesses]~~ *Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill* a bighorn sheep, mountain goat, elk, deer,

pronghorn antelope, mountain lion or black bear ~~[without a valid tag is guilty of a gross misdemeanor. This subsection does not prohibit the killing of such an animal if necessary to protect the life or property of any person in imminent danger of being attacked by such an animal.~~

~~2.]~~ *:*

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of an aircraft, helicopter or motor-driven vehicle in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Division for hunting that animal;

(d) In a manner, during a time or in a place otherwise prohibited by a specific statute or a regulation adopted by the Commission; or

(e) Without a valid tag issued by the Division for hunting that animal. A tag issued for hunting any ~~[big game mammal]~~ *animal* specified in *this* subsection ~~[1]~~ is not valid if knowingly used by a person:

~~[(a)]~~ *(1)* Other than the person specified on the tag;

~~[(b)]~~ *(2)* Outside of the management area or other area specified on the tag;

~~[(c) Outside of the dates established by the Commission for the lawful taking of the big game mammal specified on the tag;~~

~~(d) Outside of the hours set pursuant to NRS 503.140 for the lawful hunting of the big game mammal specified on the tag; or~~

~~(e)]~~ *or*

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of

subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. NRS 501.388 is hereby amended to read as follows:

501.388 1. The Commission may, in addition to any suspension, revocation or other penalty imposed pursuant to any other provision of this title:

(a) Revoke any license of any person who is convicted of a violation of NRS 503.050, and may refuse to issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; and

(b) Revoke any license of any person who is convicted of unlawfully killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear ~~[without a valid tag,]~~ *in violation of NRS 501.376,* and may:

(1) Refuse to issue any new license to the convicted person for any period not to exceed 3 years; and

(2) Revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years.

2. The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the Commission.".

Amend sec. 45, page 24, line 4, after "4." by inserting:

"Sections 3.3, 3.7, 4.7 and 5.5 of this act become effective on October 1, 2003.

5.".

Amend sec. 45, page 24, line 6, by deleting:

"5. Sections 4.5," and inserting:

"6. Sections 4.3,".

Amend sec. 45, page 24, line 8, by deleting "6." and inserting "7.".

Amend the title of the bill to read as follows:

"AN ACT relating to wildlife; revising provisions relating to the qualifications of members of the Board of Wildlife Commissioners; revising provisions governing the killing or possessing of certain animals; authorizing the Division of Wildlife of the State Department of Conservation and Natural Resources under certain circumstances to suspend, revoke, or refuse to issue or renew any license, tag, permit, certificate or other document of a person who fails to pay a civil penalty timely; prohibiting certain persons from hunting certain upland game birds under certain circumstances; imposing and revising certain fees; creating the Wildlife Obligated Reserve Account in the State General Fund; requiring the Commission to adopt certain regulations; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to wildlife. (BDR 45-1254)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Assemblywoman Gibbons requested a roll call vote on Amendment No. 935 to Senate Bill No. 420.

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

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:33 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Gibbons withdrew her motion for a roll call vote on Amendment No. 935 to Senate Bill No. 420.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 352, 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

SECOND READING AND AMENDMENT

Senate Bill No. 352.

Bill read second time and ordered to third reading.

Senate Bill No. 500.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 495.

Bill read third time.

Remarks by Assemblymen Parks and Goldwater.

Roll call on Senate Bill No. 495:

YEAS—42.

NAYS—None.

Senate Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Gustavson moved that the vote whereby Assembly Bill No. 537 was passed be reconsidered.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 11.

Resolution read.

Roll call on Senate Joint Resolution No. 11:

YEAS—32.

NAYS—Andonov, Angle, Christensen, Geddes, Gibbons, Goicoechea, Griffin, Hardy, Knecht, Mabey—10.

Senate Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 314.

Bill read third time.

Roll call on Senate Bill No. 314:

YEAS—42.

NAYS—None.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 537.

Bill read third time.

Roll call on Assembly Bill No. 537:

YEAS—26.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Geddes, Grady, Griffin, Gustavson, Hardy, Hettrick, Mabey, Marvel, Sherer, Weber—16.

Assembly Bill No. 537 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 163, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA9, which is attached to and hereby made a part of this report.

BERNIE ANDERSON	MARK E. AMODEI
ROD SHERER	TERRY CARE
WILLIAM HORNE	MIKE MCGINNESS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA9.

Amend the bill as a whole by deleting sections 1 through 72 and renumbering sections 72.3 through 72.7 as sections 1 through 3.

Amend the bill as a whole by deleting sections 73 through 79 and renumbering sec. 79.5 as sec. 4.

Amend the bill as a whole by deleting sections 80 through 82 and renumbering sec. 82.5 as sec. 5.

Amend the bill as a whole by deleting sections 83 and 84 and renumbering sections 84.3 and 84.7 as sections 6 and 7.

Amend sec. 84.3, page 61, line 36, by deleting "72.7" and inserting "3".

Amend sec. 84.7, page 61, line 42, by deleting "79.5" and inserting "4".

Amend the bill as a whole by deleting sec. 85 and the text of the repealed section.

Amend the title of the bill to read as follows:

"AN ACT relating to financial practices; providing a penalty for a person who willfully offers into evidence as genuine certain fraudulent records or who willfully destroys or alters certain records under certain circumstances; increasing the penalty for certain securities violations; extending the civil and criminal statutes of limitations for certain securities violations; excluding the performance of certain internal audits pertaining to certain gaming licensees by certain independent accountants; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to provisions concerning financial practices. (BDR 7-383)".

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 163.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 155, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA16, which is attached to and hereby made a part of this report.

BERNIE ANDERSON	DENNIS NOLAN
JOHN C. CARPENTER	MIKE MCGINNESS
MARCUS CONKLIN	VALERIE WIENER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA16.

Amend the bill as a whole by adding a new section, designated sec. 1.5, following sec. 1, to read as follows:

"Sec. 1.5. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

An employer who fails to request information concerning the criminal history of a volunteer or prospective volunteer as authorized pursuant to subsection 4 of NRS 179A.100 is not liable to a child served by the employer for civil damages suffered by the child as a result of an offense listed in subsection 4 of NRS 179A.190 committed against the child by such a volunteer or prospective volunteer.".

Amend sec. 4, page 7, by deleting lines 9 through 14 and inserting:

"4. ~~[The]~~ *In addition to any other information to which an employer is entitled or authorized to receive, the* Central Repository shall disseminate to a prospective or current employer ~~[, upon request, information relating to sexual offenses]~~ *the information described in subsection 4 of NRS 179A.190* concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information ~~[.]~~ *if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information. Except as otherwise provided in this subsection, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom information is disseminated pursuant to this subsection.*

5. Records of criminal history must be disseminated by an".

Amend sec. 4, page 8, by deleting lines 5 and 6 and inserting:

"(m) Prospective employers if the person who is the subject of the".

Amend sec. 4, page 8, line 23, by deleting "~~[6.]~~ *5.*" and inserting "6.".

Amend the bill as a whole by deleting sec. 9 and adding:

"Sec. 9. (Deleted by amendment.)".

Amend sec. 10, page 11, by deleting lines 23 through 43 and inserting:

"*(b) A conviction for a felony within the immediately preceding 7 years;*

(c) An act committed outside this state that would constitute a sexual offense if committed in this state or a conviction for an act committed outside this state that would constitute a felony if committed in this state; and

(d) The aiding, abetting, attempting or conspiring to engage in any such act in this state or another state.".

Amend sec. 11, page 12, by deleting line 2 and inserting:

"179A.200 1. ~~[An]~~ *In addition to any other information which an employer is authorized to request pursuant to this chapter, an* employer may request from the Central".

Amend sec. 12, page 13, lines 26 and 29, by deleting: ~~[a sexual]~~ *any such*" and inserting "a sexual".

Amend sec. 13, pages 15 and 16, by deleting lines 38 through 44 on page 15 and lines 1 and 2 on page 16.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 155.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 534.

The following Senate amendment was read:

Amendment No. 933.

Amend sec. 8, page 5, line 24, after "*money*" by inserting: "*actually received by the Board*".

Assemblyman Manendo moved that the Assembly concur in the Senate amendment to Assembly Bill No. 534.

Remarks by Assemblyman Manendo.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 355, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA14, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI	BOB COFFIN
ELLEN KOIVISTO	SANDRA TIFFANY
VALERIE WEBER	ANN O'CONNELL
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. 14.

Amend sec. 3, page 2, line 23, by deleting *244.414,"* and inserting: "*244.414 or such other committee or advisory body as may be established by the county,*".

Amend sec. 4, page 3, by deleting lines 30 through 44 and inserting:

"*(d) Must, if an owner of a commercial helicopter desires to receive the tax exemption for using the preferred airport or other preferred facility, as described in paragraph (a) of that subsection, require the owner to, on an annual basis:*

(1) Reapply for the exemption; and

(2) Provide proof that the commercial helicopter is using the preferred airport or other preferred facility in accordance with the thresholds established pursuant to paragraph (c); and

(e) Must, if an owner of a commercial helicopter desires to receive the tax exemption for complying substantially with the technological modifications and other measures, as described in paragraph (b) of that subsection, require the owner to, on an annual basis:

(1) Reapply for the exemption; and

(2) Provide proof of substantial compliance with the technological modifications and other measures that are recommended pursuant to paragraph (b) of subsection 1 of section 3 of this act.".

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 355.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 221 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 32, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA15, which is attached to and hereby made a part of this report.

DAVID PARKS	WARREN B. HARDY
JOHN OCEGUERA	RANDOLPH J. TOWNSEND
LYNN HETTRICK	MAGGIE CARLTON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. 15

Amend sec. 15, page 9, line 27, by deleting "*704B.310,*" and inserting: "*704B.310 or a request that is filed pursuant to section 7 of Senate Bill No. 125 of this session,*".

Amend sec. 15, page 9, line 43, after "*3.*" by inserting: "*If an eligible customer to whom an order is issued pursuant to subsection 1 thereafter purchases energy, capacity or ancillary services from an alternative provider pursuant to section 7 of Senate Bill No. 125 of this session without obtaining the approval of the Commission, the order issued pursuant to subsection 1 continues to apply to the eligible customer.*

4.".

Amend the bill as a whole by deleting sec. 17 and adding new sections designated sections 17 through 19, following sec. 16, to read as follows:

"Sec. 17. Section 14 of Assembly Bill No. 431 of this session is hereby amended to read as follows:

Sec. 14. 1. The Solar Energy Systems Demonstration Program is hereby created.

2. The Demonstration Program shall have three categories of participants as follows:

(a) Schools;

(b) Other public buildings; and

(c) Private residences and small businesses.

3. A person is eligible to participate in the Demonstration Program if the person:

(a) To install a solar energy system, uses an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(b) For a participant in the category of schools or a participant in the category of public buildings, provides for the public display of the solar energy system, including, without limitation, providing for public demonstrations of the solar energy system and for hands-on experience of the solar energy system by the public.

~~[4. In addition to the requirements of subsection 3, to be eligible to participate in the Demonstration Program, a person must be approved by the Public Utilities Commission of Nevada.~~

~~5. The Public Utilities Commission of Nevada shall adopt regulations providing for the qualifications an applicant must meet to qualify to participate in the Demonstration Program in the particular category of:~~

~~(a) Schools;~~

~~(b) Other public buildings; or~~

~~(c) Private residences or small businesses.]~~

Sec. 18. Section 19 of Assembly Bill No. 431 of this session is hereby amended to read as follows:

Sec. 19. 1. After the participant installs the solar energy system included in the Demonstration Program, the Public Utilities Commission of Nevada shall issue to the participant ~~[the following]~~ renewable energy credits for use within the system of renewable energy credits adopted by the Commission pursuant to NRS 704.7821 ~~[:~~

~~(a) For a participant in the category of schools or a participant in the category of other public buildings, the participant is entitled to renewable energy credits]~~ equal to ~~[twice]~~ *2.4 times* the actual or estimated kilowatt-hour production of the solar energy system . ~~[of the participant for a period of not less than 10 years.~~

~~(b) For a participant in the category for private residences and small businesses, the participant is entitled to renewable energy credits equal to the actual or estimated kilowatt hour production of the solar energy system of the participant.]~~

2. The Commission shall designate the renewable energy credits issued to the participant pursuant to subsection 1 as renewable energy credits generated or acquired from solar renewable energy systems. The participant

may transfer the renewable energy credits to a utility if the participant complies with the regulations adopted by the Commission to complete such a transfer.

3. The Commission shall adopt regulations to provide for the requirements and the procedures that a participant must follow to transfer renewable energy credits from the participant to a utility.

Sec. 19. 1. This act becomes effective on July 1, 2003.

2. Sections 17 and 18 of this act expire by limitation on June 30, 2007.".

Amend the title of the bill, eighteenth line, after "circumstances;" by inserting: "revising provisions relating to the Solar Energy Systems Demonstration Program;".

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 32.

Remarks by Assemblyman Parks.

Motion carried by a two-thirds constitutional majority.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 19.

Resolution read.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 949.

Amend the resolution, page 1, by deleting lines 17 and 18.

Amend the resolution, page 1, line 19, by deleting "2." and inserting "1.".

Amend the resolution, page 2, by deleting lines 1 through 12 and inserting:

"2. One member appointed by the Speaker of the Assembly who represents an incumbent local exchange carrier, as defined in NRS 704.68932, which serves 100,000 or more persons in this state;

3. One member appointed by the Speaker of the Assembly who represents an interexchange carrier, as defined in NRS 704.040, which is doing business in this state;

4. One member appointed by the Speaker of the Assembly who represents an emerging technology in the telecommunications industry;

5. One member appointed by the Majority Leader of the Senate who represents wireless technology;

6. One member appointed by the Majority Leader of the Senate who represents a competitive supplier, as defined in NRS 704.6892, which is doing business in this state;

7. One member appointed by the Majority Leader of the Senate who represents an incumbent local exchange carrier, as defined in NRS 704.68932, which serves not more than 30,000 persons in this state;

8. One member appointed by the Governor who represents cable communications; and".

Amend the resolution, page 2, line 13, by deleting "7." and inserting "9.".

Amend the resolution, page 2, between lines 28 and 29, by inserting:

"RESOLVED, That the Bureau of Consumer Protection in the Office of the Attorney General will provide technical assistance to the interim committee and the advisory committee as well as collect and compile pricing data, including components of bundled services; and be it further".

Amend the resolution, page 2, line 35, by deleting "and".

Amend the resolution, page 2, line 39, by deleting: "and be it further" and inserting:

"4. The current competition and future competitive trends for telecommunications services in the Northern Nevada and Southern Nevada markets;

5. The pricing trends to various customer classes of telecommunications services after the enactment of Senate Bill No. 440 by the 70th Session of the Nevada Legislature;

6. Methods to promote deployment of affordable broadband services to all classes of consumers; and

7. Before regulatory action is taken that is not otherwise required as a result of changes made by the 72nd Session of the Nevada Legislature or as result of federal laws and regulations, the appropriate scope of future legislative or regulatory policies regarding telecommunications services and products to promote an orderly transition to a functionally competitive telecommunications market in a manner that will most benefit the consumers and economy of this state; and be it further".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the Resolution File.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 490 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 30, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA18, which is attached to and hereby made a part of this report.

MARK MANENDO	DENNIS NOLAN
PETE GOICOECHEA	BARBARA CEGAVSKE
KELVIN ATKINSON	BERNICE MATHEWS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA18.

Amend sec. 9, page 8, line 37, by deleting "July" and inserting "January".

Assemblyman Manendo moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 30.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 21.

Resolution read.

The following amendment was proposed by Elections, Procedures, and Ethics:

Amendment No. 950.

Amend the resolution, pages 2 and 3, by deleting lines 36 through 44 on page 2 and lines 1 through 8 on page 3, and inserting:

"RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby declares that the preservation of Walker Lake's freshwater ecosystem is important to the residents of the State of Nevada and that all reasonable actions to resolve the Walker River Issues through the ongoing mediation should be taken; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Governor Kenny C. Guinn, to Governor Gray Davis and to the Director of the Nevada State Department of Conservation and Natural Resources for dissemination to all of the participants in the ongoing mediation.".

Amend the preamble of the resolution, pages 1 and 2, by deleting lines 1 through 8 on page 1 and lines 1 through 35 on page 2, and inserting:

"WHEREAS, The Walker River is an interstate stream, consisting of the East and West Walker, both of which rise high on the eastern slopes of the Sierra Nevada in California; and

WHEREAS, The West Walker flows into Antelope Valley, located mostly in California, and then into Smith and Mason Valleys in Nevada; and

WHEREAS, The principal streams forming the East Walker combine in Bridgeport Meadows in California, and from there, the East Walker flows into Mason Valley, where it unites with the West Walker to form the main Walker River; and

WHEREAS, The main Walker River leaves Mason Valley and flows into and through the Walker River Indian Reservation and into Walker Lake; and

WHEREAS, The Walker River Irrigation District, a Nevada irrigation district, owns and operates Bridgeport Reservoir, located on the East Walker in California; and

WHEREAS, The United States, for the benefit of the Walker River Paiute Tribe, owns and operates Weber Reservoir, located on the Main Walker River and within the Walker River Indian Reservation; and

WHEREAS, Walker Lake is a freshwater lake located in west-central Nevada, fed by snowmelt from the Sierra Nevada in California and other mountain ranges in Nevada; and

WHEREAS, Walker Lake draws a considerable number of tourists and functions as an economic mainstay for the Mineral County economy; and

WHEREAS, Walker Lake has cultural, historical and spiritual importance to the Walker River Paiute Tribe; and

WHEREAS, Functioning as the terminus of the Walker River System, Walker Lake is one of the few saline lakes that is capable of supporting a freshwater trout fishery; and

WHEREAS, Walker Lake is a major migratory stopover for the largest single inland congregation of common loons west of the Mississippi River as well as other birds such as grebes, cormorants, pelicans and other waterfowl that rely on the Lake for survival; and

WHEREAS, Walker Lake provides habitat for the Lahontan cutthroat trout; and

WHEREAS, The Walker River System provides significant recreation, ecologic and economic benefits in California, in Bridgeport Meadows, in Antelope Valley and at Bridgeport and Topaz Reservoirs, and in Nevada, in Topaz Reservoir, in Smith and Mason Valleys, at Weber Reservoir, within the Walker River Indian Reservation and at Walker Lake; and

WHEREAS, There are a number of interrelated issues on the Walker River System, including claims by the Walker River Paiute Tribe and the United States to surface and underground water for federal property within the Walker River Basin in Nevada and California, claims to adjudicate the water of the Walker River System to preserve minimum water levels in Walker Lake and the allocation of the water of the Walker River System between California and Nevada (collectively the "Walker River Issues"); and

WHEREAS, The volume of Walker Lake has diminished by 75 percent since the late 1800s, and this continuing decrease is creating high concentrations of dissolved solids that are extremely detrimental and ultimately toxic to fish; and

WHEREAS, Effective as of January 14, 2003, the United States, the State of Nevada, the State of California, the Walker River Paiute Tribe, the Walker River Irrigation District, Mono County, California, Lyon County, Nevada, Mineral County, Nevada, and the Walker Lake Working Group agreed to attempt to resolve the Walker River Issues through mediation with a third-party, neutral mediator; now, therefore, be it".

Amend the title of the resolution, second and third lines, by deleting:
"in the public interest." and inserting:
"important to the residents of the State of Nevada.".

Amend the summary of the resolution to read as follows:

"SUMMARY—Declares that preservation of Walker Lake's freshwater ecosystem is important to residents of Nevada. (BDR R-1302)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Grady.

Amendment adopted on a division of the House.

Resolution ordered reprinted, engrossed, and to the Resolution File.

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

Assembly in recess at 12:05 p.m.

ASSEMBLY IN SESSION

At 12:06 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 490.

Bill read third time.

The following amendment was proposed by Assemblyman Goldwater:

Amendment No. 961.

Amend sec. 15, page 3, line 21, after "*by*" by inserting "*escrow companies,*".

Amend the bill as a whole by adding a new section designated sec. 21.5, following sec. 21, to read as follows:

"Sec. 21.5. NRS 645A.067 is hereby amended to read as follows:

645A.067 Each escrow agency shall pay the assessment levied by the Commissioner and cooperate fully with the audits and examinations performed pursuant to ~~[NRS 658.055.]~~ *section 12 of this act.*".

Amend sec. 36, page 14, by deleting lines 11 through 17 and inserting:
"645B.690, any firm or corporation ~~[.]~~ *, or wholly owned subsidiary thereof:*

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller and servicer; and

(c) Approved by the Department of Housing and Urban".

Amend the bill as a whole by adding a new section designated sec. 42.5, following sec. 42, to read as follows:

"Sec. 42.5. NRS 645B.075 is hereby amended to read as follows:

645B.075 Each mortgage broker shall pay the assessment levied pursuant to ~~[NRS 658.055.]~~ *section 12 of this act.* Each mortgage broker and mortgage agent shall cooperate fully with the audits and examinations performed pursuant thereto.".

Amend sec. 54, page 29, by deleting lines 31 through 37 and inserting:

"6. Any firm or corporation ~~[.]~~ *, or wholly owned subsidiary thereof:*

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller and servicer; and

(c) Approved by the Department of Housing and Urban".

Amend sec. 88, page 55, lines 39 and 42, by deleting "broker."" and inserting "banker."".

Amend sec. 89, page 56, line 1, by deleting "22" and inserting "21.5".

Amend sec. 89, page 56, line 6, by deleting "22" and inserting "21.5".

Amend sec. 89, page 56, line 7, after "42," by inserting "42.5,".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

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

Assembly in recess at 12:20 p.m.

ASSEMBLY IN SESSION

At 12:23 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley moved that the Assembly recess until 5:30 p.m.

Motion carried.

Assembly in recess at 12:26 p.m.

ASSEMBLY IN SESSION

At 6:08 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 550.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 249, Amendment No. 934; Assembly Bill No. 257, Amendment No. 951; Assembly Bill No. 395, Amendments Nos. 931, 913, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 549, Amendment No. 959, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 3, 235, 292.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 132, 210, 497.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Senate Concurrent Resolution No. 31.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Senate Concurrent Resolution No. 32.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendments Nos. 728, 944 to Senate Bill No. 264; Assembly Amendments Nos. 756, 941 to Senate Bill No. 473; Assembly Amendment No. 945 to Senate Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 954 to Senate Bill No. 137.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 23, Senate Amendment No. 850, and requests a conference, and appointed Senators Raggio, Townsend, and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 502, Senate Amendment No. 804, and requests a conference, and appointed Senators Shaffer, Townsend, and Carlton as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 518, Senate Amendment No. 930, and requests a conference, and appointed Senators Care, Amodei, and Nolan as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Tiffany, and Titus as a first Conference Committee concerning Senate Bill No. 143.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Tiffany, Hardy, and Care as a first Conference Committee concerning Senate Bill No. 144.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Hardy, and Care as a first Conference Committee concerning Senate Bill No. 147.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Care, and Tiffany as a first Conference Committee concerning Senate Bill No. 229.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Titus, and Hardy as a first Conference Committee concerning Senate Bill No. 359.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Tiffany, O'Connell, and Titus as a first Conference Committee concerning Senate Bill No. 451.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 372; Assembly Bills Nos. 30, 32, 132, 155, 353, 355, 498.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 78, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA5, which is attached to and hereby made a part of this report.

BERNIE ANDERSON	DENNIS NOLAN
GARN MABEY	MIKE MCGINNESS
GENIE OHRENSCHALL	VALERIE WIENER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA5.

Amend sec. 7, page 8, by deleting lines 9 through 11 and inserting:

"*(b) Except as otherwise provided in this paragraph, may, in the discretion of the Department, disclose to the requester information concerning an offender who is assigned a Tier 2 level of notification. The Central Repository shall not disclose to the requester information concerning an offender who is assigned a Tier 2 level of notification if the offender:*

(1) Has been released from actual custody for 10 years or more; and

(2) Has not been convicted of committing a sexual offense during the immediately preceding 10 years.".

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 78.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 31.

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

Motion carried.

Senate Concurrent Resolution No. 32.

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

Motion carried.

Assemblywoman Buckley moved that Assembly Concurrent Resolutions Nos. 19 and 21 just returned from the printer, be placed on the Resolution File.

Motion carried.

Assembly Concurrent Resolution No. 19.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted, as amended.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Concurrent Resolution No. 21 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 3.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 132.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 210.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 235.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 292.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 497.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Chowning, Carpenter, and Claborn as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 518.

Mr. Speaker appointed Assemblymen Goldwater, Pierce, and Gibbons as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 502.

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

Assembly in recess at 6:20 p.m.

ASSEMBLY IN SESSION

At 6:26 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Senate Bill No. 420 just returned from the printer, be declared emergency measure under the Constitution and placed on the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 490 just returned from the printer, be placed on the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 490 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 464.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 395.

The following Senate amendment was read:

Amendment No. 913.

Amend sec. 3, page 1, line 11, by deleting "*or*".

Amend sec. 3, page 1, line 14, by deleting "*retardation.*" and inserting: "*retardation; or*

3. A facility for intermediate care that is owned or operated by the State of Nevada or any political subdivision of the State of Nevada.".

Amend sec. 4, page 2, line 2, by deleting "*449.0039.*" and inserting: "*449.0039, but does not include a facility for skilled nursing that is owned or operated by the State of Nevada or any political subdivision of the State of Nevada.*".

Amend sec. 8, page 3, between lines 19 and 20 by inserting:

"*5. If federal law or regulation prohibits the money in the Fund to Increase the Quality of Nursing Care from being used in the manner set forth in this section, the rates paid to nursing facilities for providing services pursuant to the Medicaid Program must be changed:*

(a) Except as otherwise provided in paragraph (b), to the rates paid to such facilities on July 1, 2003; or

(b) If the Legislature or the Division of Health Care Financing and Policy has on or after July 1, 2003, changed the rates paid to such facilities through a manner other than the use of expenditures from the Fund to Increase the Quality of Nursing Care, to the rates provided for by the Legislature or the Division of Health Care Financing and Policy.".

Amend the title of the bill, second line, after "and on" by inserting "certain".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for assessment of fee on certain facilities for intermediate care and on certain facilities for skilled nursing. (BDR 38-999)".

Assemblywoman Koivisto moved that the Assembly concur in the Senate Amendment No. 913 to Assembly Bill No. 395.

Remarks by Assemblywoman Koivisto.

Motion carried by a two-thirds constitutional majority.

The following Senate amendment was read:

Amendment No. 931.

Amend sec. 8, page 3, line 31, by deleting "*July 1,*" and inserting "*June 30,*".

Assemblywoman Koivisto moved that the Assembly concur in the Senate Amendment No. 931 to Assembly Bill No. 395.

Remarks by Assemblywoman Koivisto.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 249.

The following Senate amendment was read:

Amendment No. 934.

Amend section 1, page 2, by deleting lines 15 through 23 and inserting:

"~~[5.]~~ *(5)* Employee organizations and labor organizations ~~[. The]~~ *that have 100 members or to which amounts are withheld and paid pursuant to this subparagraph as of January 1, 2003.*

(b) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. Except as otherwise provided in this subsection, the State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the executive department. *The State Controller may not adopt regulations relating to the withholding of money and the payment of such money to employee organizations or labor organizations.".*

Amend the title of the bill, fifth line, after "employees;" by inserting: "restricting the authority of the State Controller with respect to the adoption of certain regulations regarding payroll deductions that will be paid to employee organizations or labor organizations;".

Assemblyman Manendo moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 249.

Remarks by Assemblyman Manendo.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby Senate Bill No. 3 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 3 be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 420.

Bill read third time.

Remarks by Assemblymen Goicoechea, Carpenter, and Claborn.

Roll call on Senate Bill No. 420:

YEAS—35.

NAYS—Angle, Beers, Collins, Gibbons, Gustavson, Hettrick, Williams—7.

Senate Bill No. 420 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 46, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Leslie, and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 46.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 372, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA13, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI	MAGGIE CARLTON
SHEILA LESLIE	WARREN B. HARDY
BOB BEERS	
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA13.

Amend sec. 6. page 4, line 13, by deleting "*subsection 3,*" and inserting "*this section,*".

Amend sec. 6, page 4, line 19, after "*barber.*" by inserting: "*Such a barber remains under the jurisdiction of the State Barbers' Health and Sanitation Board.*".

Amend sec. 8, page 5, by deleting lines 29 through 31 and inserting:

"*3. The Board may, upon request, authorize a school of cosmetology to offer, in addition to courses which are included in any curriculum required for licensure as a cosmetologist, any other course.*".

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 372.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

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

Assembly in recess at 6:44 p.m.

ASSEMBLY IN SESSION

At 6:46 p.m.

Mr. Speaker presiding.

Quorum present.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 358, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA10, which is attached to and hereby made a part of this report.

JOHN OCEGUERA	MARK E. AMODEI
ROD SHERER	WARREN B. HARDY
GENIE OHRENSCHALL	MICHAEL SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA10.

Amend section 1, page 2, line 2, by deleting "1.5" and inserting "1.3".

Amend the bill as a whole by renumbering sec. 1.5 as sec. 1.7 and adding a new section designated sec. 1.3, following section 1, to read as follows:

"Sec. 1.3. *1. Except as otherwise provided in this subsection, the Department, in cooperation with the Immigrant Workers Citizenship Project or its successor, shall design, prepare and issue license plates for the support of naturalized citizenship, using any colors and designs that the Department deems appropriate. The design of the license plates must include a depiction of the Aztec Calendar. The Department shall not design, prepare or issue the license plates unless it receives at least 1,000 applications for the issuance of those plates.*

2. If the Department receives at least 1,000 applications for the issuance of license plates for the support of naturalized citizenship, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of naturalized citizenship if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of naturalized citizenship pursuant to subsections 3 and 4.

3. The fee for license plates for the support of naturalized citizenship is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of naturalized citizenship

must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Immigrant Workers Citizenship Project or its successor for its programs and charitable activities in support of naturalized citizenship.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.".

Amend sec. 5, page 6, line 9, by deleting "*section 1.5*" and inserting: "*section 1.3 or 1.7*".

Amend sec. 7, page 8, line 31, by deleting "*1.5*" and inserting "*1.3, 1.7*".

Amend sec. 9, page 10, line 14, by deleting "*1.5*" and inserting "*1.3, 1.7*".

Amend sec. 10, page 10, by deleting lines 40 and 41 and inserting: "applications it has received for the issuance of license plates:

1. Pursuant to section 1.3 of this act; and
2. Pursuant to section 1.7 of this act.".

Amend sec. 11, page 11, line 1, by deleting "1.5" and inserting "1.3".

Amend sec. 11, page 11, after line 4, by inserting:

"4. Section 1.7 of this act expires by limitation on July 1, 2005, if on that date the Department of Motor Vehicles has received fewer than 1,000 applications for the issuance of license plates pursuant to that section.".

Amend the title of the bill by deleting the first through fourth lines and inserting:

"AN ACT relating to motor vehicles; providing for the issuance of special license plates for the support of naturalized citizenship; providing for the issuance of special license plates for the support of the conservation of wetlands; imposing a fee for the issuance and renewal of such license plates; providing for the design, preparation and".

Assemblyman Oceguera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 358.

Remarks by Assemblyman Oceguera.

Motion carried by a two-thirds constitutional majority.

REMARKS FROM THE FLOOR

Assemblyman Williams requested the following remarks be entered in the Journal.

Assemblyman Carpenter:

THE COWBOY WAY: Write it in your heart. Stand by the code and it will stand by you. Ask no more and give no less than honesty, courage, loyalty, generosity, and fairness and never forget your constituent's name.

Assemblyman Williams:

NEVADA ASSEMBLY COWBOY HALL OF FAME

WHEREAS, Majority Leader Barbara "Buckaroo" Buckley graduated from the University of Nevada, Las Vegas, and has served five regular sessions and two special sessions by following the cowboy rule of "A good woman is like a great horse: Faithful but hard to lead"; and

WHEREAS, David "Show me the Money" Goldwater is a native Nevadan from Las Vegas and first elected to the Nevada Legislature in 1994 serving five regular and two special sessions by following the cowboy rule of "If you take life seriously: How do you explain yesterday?"; and

WHEREAS, Genie "Legal Beagle" Ohrenschall, has served her constituents for five regular and two special sessions by following the cowboy rule of "Nothing that bad or that good lasts that long"; and

WHEREAS, Mark "Range Rider" Manendo received his education in Las Vegas and was elected to the Nevada Legislature in 1994 serving five regular sessions and two special sessions by following the cowboy rule of "Life ain't fair, and neither is cards"; and

WHEREAS, Dawn "Giddyup" Gibbons received her education at the University of Nevada, Reno and was first appointed to the Nevada Assembly in 1991, then elected in 1999, serving four regular and two special sessions by following the cowboy rule of "Wisdom is realizing you're riding down the wrong trail…again"; and

WHEREAS, Jacque "Herd Tender" Sneddon has served in the Nevada Legislature since 1995 and as Chief Clerk of the Nevada Assembly since 1999 by following the cowboy rule of "Behind every successful cowboy is a wife that works in town"; and

WHEREAS, Steve "Fence Mender" Watson is a native Nevadan raised in Minden and serving the Nevada Legislature for eight regular and two special sessions by following the cowboy rule of "Walk softly and carry a big heart", now therefore, be it

RESOLVED BY THE LEGISLATIVE COWBOY HALL OF FAME, That these seven members are recognized for their outstanding legislative service in following the Cowboy Way; and be it further

RESOLVED that Barbara "Buckaroo" Buckley, David "Show me the Money" Goldwater, Genie "Legal Beagle" Ohrenschall, Mark "Range Rider" Manendo, Dawn "Giddyup" Gibbons, Jacque "Herd Tender" Sneddon, and Steve "Fence Mender" Watson are hereby inducted into the Nevada Assembly Cowboy Hall of Fame.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 7, 13, 29, 146, 195, 286, 295, 313, 415, 453, 542, 548; Assembly Joint Resolution No. 11; Senate Bills Nos. 58, 106, 116, 164, 173, 263, 289, 324, 415, 456, 491; Senate Concurrent Resolutions Nos. 20, 26, and 40.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Dickman.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Thompson, Parker Thompson, and Karen Whitten.

Assemblywoman Buckley moved that the Assembly adjourn until Saturday, May 31, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 6:48 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), May 31, 2003

Assembly called to order at 12:00 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

In 1788, George Washington wrote, "The Great Governor of the Universe has led us too long and too far to forsake us in the midst of it. We may, now and then, get bewildered; but I hope and trust that there is good sense and virtue enough left to recover the right path." Lord, we pray for that good sense and virtue, even today, to lead us through the bewilderment at hand. Thank You.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Concurrent Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 13.

Resolution read.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 962.

Amend the resolution, page 3, by deleting lines 16 and 17.

Amend the resolution, page 3, line 18, by deleting "2." and inserting "1.".

Amend the resolution, page 3, by deleting lines 22 through 25.

Amend the resolution, page 3, line 26, by deleting "5." and inserting "2.".

Amend the resolution, page 3, by deleting lines 29 and 30.

Amend the resolution, page 3, line 31, by deleting "7." and inserting "3.".

Amend the resolution, page 3, line 34, by deleting "8." and inserting "4.".

Amend the resolution, page 3, by deleting lines 37 through 40.

Amend the resolution, page 3, line 41, by deleting "10." and inserting "5.".

Amend the resolution, page 3, line 43, by deleting "11." and inserting "6.".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Resolution ordered reprinted, re-engrossed, and to the Resolution File.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 551—AN ACT relating to the Commission on Ethics; requiring certain local governments to pay periodic assessments for a portion of the costs of operating the Commission; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 216.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 969.

Amend sec. 2, page 2, by deleting line 33 and inserting:

"*Planning Agency and the Marlette Lake Water System*".

Amend sec. 3, page 2, by deleting line 37 and inserting:

"*Planning Agency and the Marlette Lake Water System*".

Amend sec. 5, page 3, by deleting lines 38 and 39 and inserting:

"*Regional Planning Agency and the Marlette Lake Water System;*".

Amend sec. 5, page 3, by deleting line 42 and inserting:

"*the Marlette Lake Water System in such a manner as*".

Amend sec. 5, page 4, by deleting lines 3 and 4 and inserting:

"*(b) The Marlette Lake Water System regarding Marlette Lake; and*".

Amend the bill as a whole by renumbering sec. 9 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 8, to read as follows:

"Sec. 9. NRS 218.5368 is hereby amended to read as follows:

218.5368 The Committee shall:

1. Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

2. Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

3. Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

4. Review the programs and activities of:

(a) The Colorado River Commission of Nevada;

(b) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson River Subconservancy District, the Humboldt River Basin Water Authority, and the Truckee-Carson Irrigation District; and

(c) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof.

5. On or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the review conducted pursuant to subsection 4.

Sec. 10. NRS 331.165 is hereby repealed.".

Amend sec. 9, page 5, by deleting line 19 and inserting:

"Sec. 11. 1. This act becomes effective on July 1, 2003.

2. The amendatory provisions of section 9 of this act expire by limitation on June 30, 2007.".

Amend the bill as a whole by adding the text of the repealed section, following sec. 9, to read as follows:

"

TEXT OF REPEALED SECTION

331.165 Advisory Committee: Creation; composition; officers; recommendations.

1. The Marlette Lake Water System Advisory Committee is hereby created to be composed of:

(a) One member appointed by the Administrator of the Division of Wildlife of the State Department of Conservation and Natural Resources.

(b) One member appointed by the Administrator of the Division of State Parks.

(c) Three members from the State Legislature, including at least one member of the Senate and one member of the Assembly, appointed by the Legislative Commission.

(d) One member from the staff of the Legislative Counsel Bureau appointed by the Legislative Commission. The member so appointed shall serve as a nonvoting member of the Advisory Committee.

(e) One member appointed by the State Forester Firewarden.

(f) One member appointed by the Department of Administration.

2. The voting members of the Advisory Committee shall select one of the legislative members of the Advisory Committee as Chairman and one as Vice Chairman. After the initial selection of a Chairman and Vice Chairman, each such officer serves a term of 2 years beginning on July 1 of each odd-numbered year. If a vacancy occurs in the Chairmanship or Vice Chairmanship, the person appointed to succeed that officer shall serve for the remainder of the unexpired term.

3. The Director of the Legislative Counsel Bureau shall provide a Secretary for the Advisory Committee.

4. Members of the Advisory Committee serve at the pleasure of their respective appointing authorities.

5. The Advisory Committee may make recommendations to the Legislative Commission, the Interim Finance Committee, the Department of Administration, the State Department of Conservation and Natural Resources and the Governor concerning any matters relating to the Marlette Lake Water System or any part thereof.".

Amend the preamble of the bill, page 2, by deleting lines 3 through 16.

Amend the title of the bill to read as follows:

"AN ACT relating to the Legislature; creating a Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System; providing the powers and duties of the Committee; expanding the duties of the Legislative Committee on Public Lands to include the review of programs and activities relating to public water authorities, districts and systems, and certain other entities involved in the planning, development or distribution of water in the State of Nevada; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Creates interim legislative committee to review Tahoe Regional Planning Compact and oversee Tahoe Regional Planning Agency and Marlette Lake Water System and expands duties of Legislative Committee on Public Lands. (BDR 17-175)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 970.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. There is hereby appropriated from the State General Fund to the Health Division of the Department of Human Resources the sum of $250,000 for distribution to Fighting Aids in Our Community Today (FACT), a Las Vegas organization, for the provision of community outreach, testing, counseling and dissemination of information related to HIV/AIDS in the area of West Las Vegas.

2. Upon acceptance of the money appropriated by subsection 1, the Fighting Aids in Our Community Today organization agrees to :

(a) Use not more than 10 percent of the amount appropriated for administrative expenses.

(b) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2004, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Organization through December 1, 2004.

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any books, accounts, claims, reports, vouchers, or other records of information, confidential or otherwise and irrespective of their form or location, that the Legislative Auditor deems necessary to conduct any audit of the use of the money appropriated by subsection 1 and distributed to the Fighting Aids in Our Community Today organization.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2005, and reverts to the State General Fund as soon as all payments of money committed have been made.".

Amend sec. 2, page 1, by deleting line 10 and inserting:

"Sec. 3. 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective on July 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT making appropriations to the University of Nevada, Reno, for certain expenses of the Pediatric Diabetes and Endocrinology Center at the School of Medicine and to the Health Division of the Department of Human Resources for distribution to the Fighting Aids in Our Community Today (FACT) organization for expenses related to the provision of certain HIV/AIDS services; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes appropriations to University of Nevada, Reno, for expenses of Pediatric Diabetes and Endocrinology Center at School of

Medicine and to Health Division of Department of Human Resources for certain HIV/AIDS services. (BDR S-1204)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 502.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 221.

Bill read third time.

Roll call on Senate Bill No. 221:

YEAS—42.

NAYS—None.

Senate Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 352.

Bill read third time.

Roll call on Senate Bill No. 352:

YEAS—42.

NAYS—None.

Senate Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Roll call on Senate Bill No. 464:

YEAS—42.

NAYS—None.

Senate Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 500.

Bill read third time.

Roll call on Senate Bill No. 500:

YEAS—39.

NAYS—Angle, Geddes, Gustavson—3.

Senate Bill No. 500 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 240.

Bill read third time.

Roll call on Assembly Bill No. 240:

YEAS—42.

NAYS—None.

Assembly Bill No. 240 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Pierce, Koivisto, and Christensen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 23.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 444, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA19, which is attached to and hereby made a part of this report.

VONNE CHOWNING	DENNIS NOLAN
JOHN C. CARPENTER	MAGGIE CARLTON
JERRY D. CLABORN	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA19.

Amend sec. 2.5, page 3, line 44, by deleting: "benches , ~~[and]~~ shelters *and stations*" and inserting: "benches and shelters".

Amend sec. 2.5, page 4, line 2, by deleting "*or 705.695*" and inserting: "*, or on monorail stations.*".

Amend sec. 2.5, page 4, between lines 27 and 28, by inserting:

"*6. As used in this section, "monorail station" means:*

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.".

Amend sec. 10, page 7, by deleting lines 28 through 38 and inserting: "purpose of making a left-hand turn.

(b) A vehicle must not travel more than 200 feet in a center turn lane before making a left-hand turn.".

Amend the bill as a whole by adding a new section designated sec. 24.5, following sec. 24, to read as follows:

"Sec. 24.5. NRS 484.473 is hereby amended to read as follows:

484.473 1. Except as otherwise provided in subsections 2 and 4, a driver shall not permit a person, with regard to a motor vehicle being operated on a paved highway , ~~[within a county whose population is 100,000 or more,]~~ to ride upon or within any portion of the vehicle that is primarily

designed or intended for carrying goods or other cargo or that is otherwise not designed or intended for the use of passengers, including, without limitation:

(a) Upon the bed of a flatbed truck; or

(b) Within the bed of a pickup truck.

2. A driver may permit a person to ride upon the bed of a flatbed truck or within the bed of a pickup truck if the person is:

(a) Eighteen years of age or older; or

(b) Under 18 years of age and the motor vehicle is:

(1) ~~[Not being operated on a freeway or other road that has two or more lanes for traffic traveling in one direction;~~

~~(2)]~~ Being used in the course of farming or ranching; or

~~[(3)]~~ *(2)* Being driven in a parade authorized by a local authority.

3. A citation must be issued to a driver who permits a person to ride upon ~~[the bed of a flatbed truck]~~ or within ~~[the bed of a pickup truck]~~ *a vehicle* in violation of subsection 1. A driver who is cited pursuant to this subsection shall be punished by a fine of at least $35 but not more than $100.

4. The provisions of subsection 1 do not apply to the portion of the bed of a truck that is covered by a camper shell or slide-in camper.

5. A violation of this section:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) May not be considered as:

(1) Negligence or causation in a civil action; or

(2) Negligent or reckless driving for the purposes of NRS 484.377.

6. As used in this section:

(a) "Camper shell" has the meaning ascribed to it in NRS 361.017.

(b) ~~[“Freeway” has the meaning ascribed to it in NRS 408.060.~~

~~(c)]~~ "Slide-in camper" has the meaning ascribed to it in NRS 482.113.".

Amend sec. 26, page 15, line 16, by deleting: "benches , ~~[and]~~ shelters *and stations*" and inserting: "benches and shelters".

Amend sec. 26, page 15, line 19, by deleting "*or 705.695,*" and inserting: "*, or on monorail stations,*".

Amend sec. 26, page 16, between lines 9 and 10, by inserting:

"*5. As used in this section, "monorail station" means:*

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.".

Amend sec. 27, page 16, line 11, by deleting: "benches , ~~[and]~~ shelters *and stations*" and inserting: "benches and shelters".

Amend sec. 27, page 16, line 14, by deleting "*or 705.695,*" and inserting: "*, or on monorail stations,*".

Amend sec. 27, page 18, after line 4, by inserting:

"*8. As used in this section, "monorail station" means:*

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.".

Amend the title of the bill by deleting the sixteenth and seventeenth lines and inserting: "financial obligations; extending the prohibition against the driver of a motor vehicle allowing a person to ride upon or within certain portions of the motor vehicle under certain circumstances;".

Assemblywoman Chowning moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 444.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 55, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA12, which is attached to and hereby made a part of this report.

MARCUS CONKLIN	DENNIS NOLAN
JOHN C. CARPENTER	MAURICE E. WASHINGTON
JERRY D. CLABORN	VALERIE WIENER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA12

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 73 and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the

defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. ~~[The]~~ *Except as otherwise provided in subsection 5, the* provisions of subsection 1 apply to a defendant who is convicted of:

(a) A category A felony;

(b) A category B felony;

(c) A category C felony involving the use or threatened use of force or violence against the victim;

(d) A crime against a child as defined in NRS 179D.210;

(e) A sexual offense as defined in NRS 179D.410;

(f) Abuse or neglect of an older person pursuant to NRS 200.5099;

(g) A second or subsequent offense for stalking pursuant to NRS 200.575; ~~[or]~~

(h) An attempt or conspiracy to commit an offense listed in ~~[this subsection.]~~ *paragraphs (a) to (g), inclusive;*

(i) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this state of committing an offense listed in paragraph (a), (b), (c), (f), (g) or (h); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (b), (c), (f), (g) or (h) if committed in this state;

(j) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.240; or

(k) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen for conviction of a prior offense unless the court determines that an additional sample is necessary.

Sec. 2. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of his probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court, may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. ~~[~~A~~]~~ *Except as otherwise provided in subsection 4, a* person *who has been* honorably discharged from probation:

(a) Is free from the terms and conditions of his probation . ~~[~~;

~~(b) If he meets the requirements of NRS 176A.860, may apply to the Division to request a restoration of his civil rights; and~~

~~(c)~~] *(b) Is immediately restored to the following civil rights:*

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of his honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of his honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If he meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to his conviction.

~~[The person must]~~

(f) Must be informed of the provisions of this section and NRS ~~[176A.860 and]~~ 179.245 in his probation papers.

~~[4. A person honorably discharged from probation who has had his civil rights restored by the court:~~

~~(a)~~] *(g)* Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

~~[(b) May vote, hold office or serve as a juror.~~

~~(c)~~] *(h)* Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

~~[(d)~~] *(i)* Except as otherwise provided in paragraph ~~[(c),]~~ *(h),* need not disclose the conviction to an employer or prospective employer.

~~[5.~~] *4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this state:*

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as

another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph. A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 3.

5. The prior conviction of a person ~~[whose civil rights have been restored or]~~ who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person , ~~[who has had his civil rights restored or who has been honorably discharged from probation,]~~ the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon his honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from probation;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from probation;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (c) of subsection 3; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this state or elsewhere and whose official documentation of his honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this state or elsewhere may present:

(a) Official documentation of his honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring his civil rights,

as proof that he has been restored to the civil rights set forth in subsection 3.

Sec. 3. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301 ~~[, if]~~ *:*

1. If the court orders a record sealed pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365:

~~[1.]~~ *(a)* All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry *, including, without limitation, an inquiry relating*

to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

~~[2. The court shall order the civil rights of the person to whom the order pertains to be restored if the person has not been restored to his civil rights.]~~

(b) The person is immediately restored to the following civil rights if his civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of his records, a person who is restored to his civil rights must be given an official document which demonstrates that he has been restored to the civil rights set forth in paragraph (b) of subsection 1.

3. A person who has had his records sealed in this state or any other state and whose official documentation of the restoration of his civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has had his records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his records sealed in this state or any other state may present official documentation that he has been restored to his civil rights or a court order restoring his civil rights as proof that he has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 4. NRS 179.301 is hereby amended to read as follows:

179.301 1. The State Gaming Control Board and *the* Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, for purposes of determining the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or gaming work permit pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records ~~[may]~~ *:*

(a) May form the basis for recommendation, denial or revocation of those licenses . ~~[or work permits.]~~

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Central Repository *for Nevada Records of Criminal History* and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with NRS 179A.180 to 179A.240, inclusive.

3. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository or a law enforcement officer in the regular course of his duties.

Sec. 5. NRS 179C.010 is hereby amended to read as follows:

179C.010 1. Except as otherwise provided in subsection 2, as used in this chapter, unless the context otherwise requires, "convicted person" means:

(a) A person convicted in the State of Nevada ~~[of an offense that is punishable as a felony]~~ or convicted in any place other than the State of Nevada of ~~[a felony;~~

~~(b) A person convicted in the State of Nevada, or elsewhere, of the violation of a law, regardless of whether the violation is punishable as a felony:~~

~~(1) Relating to or regulating the possession, distribution, furnishing or use of a habit forming drug of the kind or character described and referred to in the Uniform Controlled Substances Act;~~

~~(2) Regulating or prohibiting the carrying, possession or ownership of a concealed weapon, deadly weapon or weapon capable of being concealed, or regulating or prohibiting the possession, sale or use of a device, instrument or attachment designed or intended to be used to silence the report or conceal the discharge or flash of any firearm; or~~

~~(3) Regulating or prohibiting the use, possession, manufacture or compounding of tear gas, or any other gas, that may be used to disable temporarily or permanently a human being; or~~ ~~(c) A person convicted in the State of Nevada, or elsewhere, of an attempt or a conspiracy to commit an offense described or referred to in this subsection.]~~ *two or more offenses punishable as felonies.*

(b) A person convicted in the State of Nevada of an offense punishable as a category A felony.

(c) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of a crime that would constitute a category A felony if committed in this state on July 1, 2003.

2. For the purposes of this chapter, "convicted person" does not include:

(a) A person who has been convicted of a crime against a child, as defined in NRS 179D.210, or a sexual offense, as defined in NRS 179D.410; or

(b) Except as otherwise provided in this chapter, a person whose conviction is or has been set aside in the manner provided by law.

Sec. 6. NRS 179C.100 is hereby amended to read as follows:

179C.100 1. It is unlawful for a convicted person to be or remain in the State of Nevada for a period of more than 48 hours without, during such 48-hour period, registering with the sheriff of a county or the chief of police of a city in the manner prescribed in this section.

2. A convicted person who does not reside in the State of Nevada but who has a temporary or permanent place of abode outside the State of Nevada, and who comes into the State on five occasions or more during any 30-day period, is subject to the provisions of this chapter.

3. A person who has registered as a convicted person with the sheriff of a county or the chief of police of a city shall register again as provided in this section if he subsequently commits another offense described or referred to in this chapter.

4. A person required by this section to register shall do so by filing with the sheriff or chief of police a statement in writing, upon a form prescribed and furnished by the sheriff or chief of police, which is signed by the person and which provides the following information:

(a) His true name and each alias that he has used or under which he may have been known;

(b) A full and complete description of his person;

(c) The kind, character and nature of each crime of which he has been convicted;

(d) The place in which he was convicted of each crime;

(e) The name under which he was convicted in each instance and the date thereof;

(f) The name, if any, and the location of each prison, reformatory, jail or other penal institution in which he was confined or to which he was sentenced;

(g) The location and address of his residence, stopping place, living quarters or place of abode, and if more than one residence, stopping place or place of abode, that fact must be stated and the location and address of each given;

(h) The kind of residence, stopping place, or place of abode in which he resides, including whether it is a private residence, hotel, apartment house or other building or structure;

(i) The length of time he has occupied each place of residence, stopping place or place of abode, and the length of time he expects or intends to remain in the State of Nevada; and

(j) Any further information that may be required by the sheriff or chief of police for the purpose of aiding and assisting in carrying into effect the provisions and intent of this chapter.

5. *The sheriff of a county or the chief of police of a city shall not require a convicted person to carry a registration card, and no convicted person who is required to register pursuant to this section may be punished for the failure to carry a registration card.*

6. When so ordered in the individual case by the district court in which the conviction was obtained, by the State Board of Parole Commissioners or by the State Board of Pardons Commissioners, whichever is appropriate, the provisions of this section do not apply to a convicted person who has had his civil rights restored.

Sec. 7. NRS 6.010 is hereby amended to read as follows:

6.010 ~~[Every]~~ *Except as otherwise provided in this section, every* qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason , *a* felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which he resides. *A person who has been convicted of a felony is not a qualified juror of the county in which he resides until his civil right to serve as a juror has been restored pursuant to NRS 176A.850, 179.285, 213.090, 213.155 or 213.157.*

Sec. 8. NRS 119A.230 is hereby amended to read as follows:

119A.230 1. The Administrator may impose a fine or suspend, revoke, reissue, subject to conditions, or deny the renewal of any sales agent's license issued under the provisions of this chapter at any time if the sales agent has, by false or fraudulent application or representation, obtained a license or, whether or not acting as a sales agent, is found guilty of:

(a) Making any material misrepresentation;

(b) Making any false promises of a character likely to influence, persuade or induce;

(c) Engaging in any fraudulent, misleading or oppressive sales techniques or tactics;

(d) Accepting a commission or valuable consideration as a sales agent for the performance of any of the acts specified in this chapter from any person except a licensed project broker with whom the sales agent is associated or the developer by whom he is employed;

(e) Failing, within a reasonable time, to account for or remit or turn over to the project broker any money which comes into his possession and which belongs to others;

(f) Violating any of the provisions of this chapter or chapter 119B of NRS or of any regulation adopted pursuant to either chapter, or willfully aiding or abetting another to do so; or

(g) A felony *relating to the practice of a sales agent* or other crime of moral turpitude or has entered a plea of nolo contendere to a felony *relating to the practice of a sales agent* or other crime of moral turpitude.

2. The Administrator may investigate the actions of any sales agent or any person who acts in such a capacity within the State of Nevada.

Sec. 9. NRS 138.020 is hereby amended to read as follows:

138.020 1. No person is qualified to serve as an executor who, at the time the will is probated:

(a) Is under the age of majority;

(b) Has been convicted of a felony ~~[;]~~ *relating to the position of an executor;*

(c) Upon proof, is adjudged by the court disqualified to execute the duties of executor by reason of drunkenness, improvidence or lack of integrity or understanding; or

(d) Is a bank not authorized to do business in the State of Nevada, unless it associates as coexecutor a bank authorized to do business in this state. An out-of-state bank is qualified to appoint a substitute executor, pursuant to NRS 138.045, without forming such an association, but any natural person so appointed must be a resident of this state.

2. If a disqualified person is named as the sole executor in a will, or if all persons so named are disqualified or renounce their right to act, or fail to appear and qualify, letters of administration with the will annexed must issue.

Sec. 10. NRS 139.010 is hereby amended to read as follows:

139.010 No person is entitled to letters of administration who:

1. Is under the age of majority;

2. Has been convicted of a felony ~~[;]~~ *relating to the position of an administrator;*

3. Upon proof, is adjudged by the court disqualified by reason of conflict of interest, drunkenness, improvidence, or lack of integrity or understanding; or

4. Is not a resident of the State of Nevada and who does not associate as coadministrator a resident of the State of Nevada or which, in the case of a banking corporation, is not authorized to do business in this state and does not associate as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this state.

Sec. 11. NRS 159.059 is hereby amended to read as follows:

159.059 Any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:

1. Is an incompetent.

2. Is a minor.

3. Has been convicted of a felony ~~[.]~~ *relating to the position of a guardian.*

4. Has been suspended for misconduct or disbarred from the practice of law during the period of the suspension or disbarment.

5. Is a nonresident of this state and has not:

(a) Associated as a coguardian, a resident of this state or a banking corporation whose principal place of business is in this state; and

(b) Caused the appointment to be filed in the guardianship proceeding.

6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult.

Sec. 12. NRS 202.760 is hereby amended to read as follows:

202.760 It is unlawful for any person:

1. Who is under indictment for, or has been convicted in any court of, a crime *relating to the practice of shipping or transporting explosives that is* punishable by imprisonment for a term exceeding 1 year;

2. Who is a fugitive from justice;

3. Who is an unlawful user of or addicted to any depressant or stimulant drug or any controlled substance; or

4. Who has been judicially declared mentally ill or who has been committed to a hospital as mentally ill,

to ship or transport any explosive within the State or to receive any explosive which has been shipped or transported within the State.

Sec. 13. NRS 213.090 is hereby amended to read as follows:

213.090 1. ~~[When a pardon]~~ *Except as otherwise provided in subsection 2, a person who* is granted *a pardon* for any offense committed ~~[,~~ ~~the pardon may or may not include restoration of civil rights. If the pardon includes restoration of civil rights, it must be so stated in the instrument or certificate of pardon and, when granted upon conditions, limitations or restrictions, they must be fully set forth in the instrument.~~

~~2. In any case where a convicted person has received a pardon without immediate restoration of his civil rights, he may apply to the State Board of Pardons Commissioners for restoration of his civil rights and release from penalties and disabilities resulting from the offense or crime of which he was convicted.~~

~~3. Upon receiving an application pursuant to subsection 2, the Board shall determine whether the applicant has received a pardon. If the Board determines that the applicant has received a pardon, the Board shall, as soon as reasonably practicable, restore him to his civil rights and release him from all penalties and disabilities resulting from the offense or crime of which he was convicted.~~

~~4. An applicant]~~ *:*

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date that his pardon is granted, is restored to the right to hold office.

(c) Six years after the date that his pardon is granted, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been granted a pardon if the person has previously been convicted in this state:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date that his pardon is granted.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date that his pardon is granted.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon receiving a pardon, a person so pardoned must be given an official document which provides:

(a) That he has been granted a pardon;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date that his pardon is granted;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been granted a pardon in this state or elsewhere and whose official documentation of his pardon is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been granted a pardon and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to ~~[have his civil rights restored or to be released from penalties and disabilities pursuant to this section.]~~ *receive such an order.*

5. A person who has been granted a pardon in this state or elsewhere may present:

(a) Official documentation of his pardon, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights,

as proof that he has been restored to the civil rights set forth in subsection 1.

Sec. 14. NRS 213.155 is hereby amended to read as follows:

213.155 1. ~~[The Board may restore a paroled prisoner to his civil rights, conditioned upon the prisoner receiving]~~ *Except as otherwise provided in subsection 2, a person who receives* an honorable discharge from parole pursuant to NRS 213.154 ~~[. Such restoration must take effect at the expiration of the parole of the prisoner.~~

~~2. In any case where a convicted person has completed his parole without immediate restoration of his civil rights and has been issued an honorable discharge from parole pursuant to NRS 213.154, he may apply to the Division to request a restoration of his civil rights and release from penalties and disabilities which resulted from the offense or crime of which he was convicted.~~

~~3. Upon receiving an application pursuant to subsection 2, the Division shall determine whether the applicant has received an honorable discharge from parole. If the Division determines that the applicant has received an honorable discharge, the Division shall forward the application to the Board.~~

~~4. Upon receiving an application pursuant to subsection 3, the Board shall, as soon as reasonably practicable, restore the applicant to his civil rights and release him from all penalties and disabilities resulting from the offense or crime of which he was convicted.~~

~~5. An applicant~~] *:*

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his honorable discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this state:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from parole;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from parole;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this state or elsewhere and whose official documentation of his honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent

jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to ~~[have his civil rights restored or to be released from penalties and disabilities pursuant to this section.~~

~~6.]~~ *receive such an order.*

5. A person who has been honorably discharged from parole in this state or elsewhere may present:

(a) Official documentation of his honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights,

as proof that he has been restored to the civil rights set forth in subsection 1.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 15. NRS 213.157 is hereby amended to read as follows:

213.157 1. ~~[In any case where a]~~ *Except as otherwise provided in subsection 2, a* person convicted of a felony in the State of Nevada *who* has served his sentence and *has* been released from prison ~~[, he may apply to the Division requesting restoration of his civil rights and release from all penalties and disabilities which resulted from the offense or crime of which he was convicted.~~

~~2. Upon receiving an application pursuant to subsection 1, the Division shall determine whether the applicant has served his sentence and been released from prison. If the division determines that the applicant has served his sentence and been released from prison, the Division shall forward the application to the district court in which the conviction was obtained.~~

~~3. Upon receiving an application pursuant to subsection 2, the court shall, as soon as reasonably practicable, restore the civil rights of the applicant and release him from all penalties and disabilities which resulted from the offense or crime of which he was convicted.~~

~~4. An applicant]~~ *:*

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his release from prison, is restored to the right to hold office.

(c) Six years after the date of his release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this state:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his release from prison, a person so released must be given an official document which provides:

(a) That he has been released from prison;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his release from prison;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this state or elsewhere and whose official documentation of his release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to ~~[have his civil rights restored or to be released from penalties and disabilities pursuant to this section.]~~ *receive such an order.*

5. A person who has been released from prison in this state or elsewhere may present:

(a) Official documentation of his release from prison, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights,

as proof that he has been restored to the civil rights set forth in subsection 1.

Sec. 16. NRS 248.010 is hereby amended to read as follows:

248.010 1. Sheriffs ~~[shall]~~ *must* be elected by the qualified electors of their respective counties.

2. Sheriffs ~~[shall]~~ *must* be chosen by the electors of their respective counties at the general election in 1922, and at the general election every

4 years thereafter, and shall enter upon the duties of their respective offices on the ~~[1st]~~ *first* Monday of January subsequent to their election.

3. A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether he has been restored to his civil rights.

Sec. 17. NRS 258.010 is hereby amended to read as follows:

258.010 1. Except as otherwise provided in subsections 2 and 3:

(a) Constables must be elected by the qualified electors of their respective townships.

(b) The constables of the several townships of the State must be chosen at the general election of 1966, and shall enter upon the duties of their offices on the first Monday of January next succeeding their election, and hold their offices for the term of 4 years thereafter, until their successors are elected and qualified.

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties.

2. In a county which includes only one township, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation. The resolution must not become effective until the completion of the term of office for which a constable may have been elected.

3. In a county whose population:

(a) Is less than 400,000, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office of constable in those townships.

(b) Is 400,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office in those townships, but the abolition does not become effective as to a particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection. For a township in which the office of constable has been abolished, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation.

4. A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether he has been restored to his civil rights.

Sec. 18. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who has been convicted of a felony in this state or any other state is not qualified to serve as a category I peace officer, category II peace officer or category III peace officer regardless of whether he has been restored to his civil rights.

Sec. 19. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.600, inclusive, *and section 18 of this act,* unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 20. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school must consist of at least three teachers, as defined in subsection 4, and may consist of, without limitation, parents and representatives of nonprofit organizations and businesses. A majority of the members of the governing body must reside in this state. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change. A person may serve on the governing body only if he submits an affidavit to the Department indicating that the person has not been convicted of a felony *relating to serving on the governing body of a charter school* or any offense involving moral turpitude.

2. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

3. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located.

4. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

The term does not include a person who is employed as a substitute teacher.

Sec. 21. NRS 398.460 is hereby amended to read as follows:

398.460 1. Except as otherwise provided in subsection 2, the Secretary of State shall issue a certificate of registration to a natural person who complies with NRS 398.452 or whose application has been accepted under NRS 398.456.

2. The Secretary of State may refuse to issue a certificate of registration if he determines that the applicant has engaged in conduct that has a significant adverse effect on his fitness to act as an athlete's agent. In making this determination, the Secretary of State may consider whether the applicant has:

(a) Been convicted of a crime that, if committed in this state, would be a crime involving moral turpitude or a felony ~~[,]~~ *relating to his fitness to act as an athlete's agent;*

(b) Made a materially false, misleading, deceptive or fraudulent representation in his application or as an athlete's agent;

(c) Engaged in conduct that would disqualify him from serving in a fiduciary capacity;

(d) Engaged in conduct prohibited by NRS 398.496;

(e) Had registration or licensure as an athlete's agent suspended, revoked or denied, or been refused renewal of registration or licensure as an athlete's agent, in any state;

(f) Engaged in conduct whose consequence was that a sanction, suspension or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student athlete or an institution; or

(g) Engaged in conduct that significantly adversely reflects on his credibility, honesty or integrity.

3. In making a determination pursuant to subsection 2, the Secretary of State shall consider:

(a) How recently the conduct occurred;

(b) The nature of the conduct and the context in which it occurred; and

(c) Any other relevant conduct of the applicant.

Sec. 22. NRS 463.335 is hereby amended to read as follows:

463.335 1. The Legislature finds that, to protect and promote the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and to carry out the policy declared in NRS 463.0129, it is necessary that the Board:

(a) Ascertain and keep itself informed of the identity, prior activities and present location of all gaming employees and independent agents in the State of Nevada; and

(b) Maintain confidential records of such information.

2. Except as otherwise provided in subsection 3, a person may not be employed as a gaming employee or serve as an independent agent unless he is the holder of a valid work permit to work as a gaming employee issued pursuant to this section. A work permit to work as a gaming employee may be issued by the Board or by a county or city licensing authority. An applicant for a work permit shall file his application for a work permit with the licensing authority of the city in which he resides if that city requires a work permit. If the city in which he resides does not require such a permit, the applicant shall file his application with the licensing authority of the county in which he resides if that county requires a work permit. If the county in which he resides does not require such a permit, the applicant shall file his application with the Board. The Board shall, by regulation, prescribe the form for an application for a work permit to work as a gaming employee. The fee for such a permit may be charged only to cover the actual investigative and administrative costs related to processing an application for such a permit and must not exceed $75.

3. An independent agent is not required to hold a work permit if he is not a resident of this state and has registered with the Board in accordance with the provisions of the regulations adopted by the Commission.

4. Upon receipt of an application for a work permit to work as a gaming employee, the Board or licensing authority shall conduct an investigation of the applicant to determine whether he is eligible for the permit. In conducting the investigation, the Board or licensing authority shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report concerning the criminal history of the applicant. The investigation need not be limited solely to consideration of the results of the report concerning the criminal history of the applicant.

5. A work permit issued to a gaming employee or an independent agent must have clearly imprinted thereon a statement that it is valid for gaming purposes only.

6. Unless denied or objected to by the Board at the time that the permittee filed a notice of a change in his place of employment pursuant to subsection 8 and unless suspended or revoked, such a permit expires on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of this section, his date of birth shall be deemed to be on February 28.

7. Whenever any person applies to a county or city licensing authority for the issuance or renewal of a work permit, the county or city officer or employee to whom the application is made shall within 24 hours mail or deliver a copy thereof to the Board, and may at the discretion of the county or city licensing authority issue a temporary work permit that is valid for 120 days. If within 120 days after receipt by the Board of the copy of the application, the Board has not notified the county or city licensing authority of any objection, the authority may issue, renew or deny a permanent work permit to the applicant.

8. A gaming employee who is issued a work permit is eligible for employment in any licensed gaming establishment in this state until the work permit is denied or objected to by the Board, expires or is revoked. However, each such employee shall notify the Board within 10 days following any change of his place of employment at a gaming establishment. Such a notification shall be deemed an application for a work permit that the Board may deny or object to after conducting any investigations the Board deems appropriate. The provisions of subsections 9 to 16, inclusive, apply to any such objection of the Board. The Commission shall adopt regulations to:

(a) Facilitate uniform procedures for the issuance of work permits by counties and cities;

(b) Establish uniform criteria for denial by a county or city licensing authority of an application for a work permit; and

(c) Provide for the creation and maintenance of a system of records that contain information regarding the current place of employment of each person who possesses a valid work permit.

9. If the Board, within the 120-day period, notifies:

(a) The county or city licensing authority; and

(b) The applicant, that the Board objects to the granting of a work permit to the applicant, the authority shall deny the work permit and shall immediately revoke and repossess any temporary work permit which it may have issued. The notice of objection by the Board which is sent to the applicant must include a statement of the facts upon which the Board relied in making its objection.

10. Whenever an application for a work permit is made to the Board and the Board denies such an application, it shall include in its notice of the denial a statement of the facts upon which it relied in denying the application.

11. Any person whose application for a work permit has been denied because of an objection by the Board or whose application has been denied by the Board may, not later than 60 days after receiving notice of the denial or objection, apply to the Board for a hearing. A failure of a person whose application has been denied to apply for a hearing within 60 days or his failure to appear at a hearing of the Board conducted pursuant to this section shall be deemed to be an admission that the denial or objection is well-founded, and the failure precludes administrative or judicial review. At the hearing, the Board shall take any testimony deemed necessary. After the hearing, the Board shall review the testimony taken and any other evidence, and shall within 45 days after the date of the hearing mail to the applicant its decision sustaining or reversing the denial of the work permit or the objection to the issuance of a work permit.

12. The Board may object to the issuance of a work permit or may refuse to issue a work permit for any cause deemed reasonable by the Board. The Board may object or refuse if the applicant has:

(a) Failed to disclose or misstated information or otherwise attempted to mislead the Board with respect to any material fact contained in the application for the issuance or renewal of a work permit;

(b) Knowingly failed to comply with the provisions of this chapter or chapter 463B, 464 or 465 of NRS or the regulations of the Commission at a place of previous employment;

(c) Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny or any violation of any law pertaining to gaming, or any crime which is inimical to the declared policy of this state concerning gaming;

(d) Committed, attempted or conspired to commit a crime which is a felony or gross misdemeanor in this state or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this state ~~[;]~~ *and which relates to the applicant's suitability or qualifications to work as a gaming employee;*

(e) Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

(f) Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority; or

(g) Had a work permit revoked or committed any act which is a ground for the revocation of a work permit or would have been a ground for revoking his work permit if he had then held a work permit.

If the Board issues or does not object to the issuance of a work permit to an applicant, it may specially limit the period for which the permit is valid, limit the job classifications for which the holder of the permit may be employed and establish such individual conditions for the issuance, renewal and effectiveness of the permit as the Board deems appropriate, including required submission to unscheduled tests for the presence of alcohol or controlled substances.

13. Any applicant aggrieved by the decision of the Board may, within 15 days after the announcement of the decision, apply in writing to the Commission for review of the decision. Review is limited to the record of the proceedings before the Board. The Commission may sustain, modify or reverse the Board's decision. The decision of the Commission is subject to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

14. Except as otherwise provided in this subsection, all records acquired or compiled by the Board or Commission relating to any application made pursuant to this section and all lists of persons to whom work permits have been issued or denied and all records of the names or identity of persons engaged in the gaming industry in this state are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. Upon receipt of a request from the Welfare Division of the Department of Human Resources pursuant to NRS 425.400 for information relating to a specific person who has applied for or holds a work permit, the Board shall disclose to the Division his social security number, residential address and current employer as that information is listed in the files and records of the Board. Any record of the Board or Commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

15. The Chairman of the Board may designate a member of the Board or the Board may appoint a hearing examiner and authorize that person to perform on behalf of the Board any of the following functions required of the Board by this section concerning work permits:

(a) Conducting a hearing and taking testimony;

(b) Reviewing the testimony and evidence presented at the hearing;

(c) Making a recommendation to the Board based upon the testimony and evidence or rendering a decision on behalf of the Board to sustain or reverse

the denial of a work permit or the objection to the issuance or renewal of a work permit; and

(d) Notifying the applicant of the decision.

16. Notice by the Board as provided pursuant to this section is sufficient if it is mailed to the applicant's last known address as indicated on the application for a work permit, or the record of the hearing, as the case may be. The date of mailing may be proven by a certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

Sec. 23. NRS 489.421 is hereby amended to read as follows:

489.421 The following grounds, among others, constitute grounds for disciplinary action under NRS 489.381:

1. Revocation or denial of a license issued pursuant to this chapter or an equivalent license in any other state, territory or country.

2. Failure of the licensee to maintain any other license required by any political subdivision of this state.

3. Failure to respond to a notice served by the Division as provided by law within the time specified in the notice.

4. Failure to take the corrective action required in a notice of violation issued pursuant to NRS 489.291.

5. Failure or refusing to permit access by the Administrator to documentary materials set forth in NRS 489.231.

6. Disregarding or violating any order of the Administrator, any agreement with the Division, or any provision of this chapter or any regulation adopted under it.

7. Conviction of a misdemeanor for violation of any of the provisions of this chapter.

8. Conviction of or entering a plea of guilty, guilty but mentally ill or nolo contendere to ~~[a]~~ *:*

(a) A felony *relating to the position for which the applicant has applied or the licensee has been licensed pursuant to this chapter;* or ~~[a]~~

(b) A crime of moral turpitude in this state or any other state, territory or country.

9. Any other conduct that constitutes deceitful, fraudulent or dishonest dealing.

Sec. 24. NRS 611.045 is hereby amended to read as follows:

611.045 1. The Labor Commissioner may issue a license to an applicant for the conduct of an employment agency:

(a) After making an investigation of the applicant and finding that he is of good moral character and has not been convicted of a felony *relating to the conduct of an employment agency* or any offense involving moral turpitude;

(b) After making an investigation of the premises where the proposed employment agency will be conducted and finding that the premises are suitable for the purpose;

(c) Upon determining that the applicant is a resident of this state; and

(d) Upon the applicant's payment of the licensing fee prescribed in NRS 611.060.

2. The Labor Commissioner shall complete his investigation of the applicant within 60 days after such applicant has submitted his application.

3. A license to conduct an employment agency is valid only as to the person and place named in the license and is effective from the date specified therein to and including the next following December 31, unless sooner suspended or revoked.

4. Annually at least 15 days prior to the expiration date of the license, the licensee must apply for renewal in the manner prescribed by regulation of the Labor Commissioner. Pending administrative action on a renewal application, the license may be continued in effect for a period not to exceed 60 days beyond the expiration date of the license.

Sec. 25. NRS 623A.065 is hereby amended to read as follows:

623A.065 For the purposes of this chapter, a person has good moral character if he:

1. ~~[Has not been convicted of a class A felony;~~

~~2.]~~ Has not been convicted of a felony *,* ~~[other than a class A felony or a]~~ misdemeanor or gross misdemeanor that is directly related to the practice of landscape architecture;

~~[3.]~~ *2.* Has not committed an act involving dishonesty, fraud, misrepresentation, breach of a fiduciary duty, gross negligence or incompetence while engaged in the practice of landscape architecture;

~~[4.]~~ *3.* Is not incarcerated in a jail or prison at the time of submitting an application for a certificate of registration or a certificate to practice as a landscape architect intern;

~~[5.]~~ *4.* Has not committed fraud or misrepresentation in connection with:

(a) The submission of an application for a certificate of registration or certificate to practice as a landscape architect intern; or

(b) The taking of one or more examinations pursuant to the provisions of this chapter;

~~[6.]~~ *5.* Has not had his certificate of registration suspended or revoked by the Board or in any other state or country;

~~[7.]~~ *6.* Has not, in lieu of receiving disciplinary action against him, surrendered a certificate of registration or certificate to practice as a landscape architect intern in this state or a certificate or license to practice landscape architecture issued in another state or country;

~~[8.]~~ *7.* Has not engaged in the practice of landscape architecture in this state or in any other state or country without a license or certificate of registration or certificate to practice as a landscape architect intern within the 2 years immediately preceding the filing of an application for a certificate of

registration or certificate to practice as a landscape architect intern pursuant to the provisions of this chapter; or

~~[9.]~~ *8.* Has not, within the 5 years immediately preceding the filing of an application specified in subsection ~~[8,]~~ *7,* engaged in unprofessional conduct in violation of the regulations adopted by the Board.

Sec. 26. NRS 623A.280 is hereby amended to read as follows:

623A.280 1. The following acts, among others, constitute cause for disciplinary action if proof satisfactory to the Board is presented that:

(a) A holder of a certificate of registration has signed or sealed instruments of service which were not prepared by him or under his direct supervision.

(b) A holder of a certificate of registration has permitted the use of his signature or seal by another person to evade the provisions of this chapter or any regulation adopted by the Board.

(c) A holder of a certificate of registration has not signed, sealed or dated instruments of service prepared by him.

(d) A holder of a certificate of registration or certificate to practice as a landscape architect intern impersonates a landscape architect or landscape architect intern of the same or similar name.

(e) A holder of a certificate of registration or certificate to practice as a landscape architect intern practices under an assumed, fictitious or corporate name.

(f) A holder of a certificate of registration or certificate to practice as a landscape architect intern practices landscape architecture in violation of the provisions of this chapter or any regulation adopted by the Board.

(g) A holder of a certificate of registration or certificate to practice as a landscape architect intern has obtained his certificate of registration or certificate to practice as a landscape architect intern by fraud or misrepresentation.

(h) A holder of a certificate of registration or certificate to practice as a landscape architect intern is guilty of fraud or deceit in the practice of landscape architecture.

(i) A holder of a certificate of registration or certificate to practice as a landscape architect intern is guilty of incompetency, negligence or gross negligence.

(j) A holder of a certificate of registration or certificate to practice as a landscape architect intern is convicted of, or enters a plea of nolo contendere to ~~[:~~

~~(1) Any felony; or~~

~~(2) Any]~~ *any* crime, an essential element of which is dishonesty, or which is directly related to the practice of landscape architecture.

(k) A holder of a certificate of registration or certificate to practice as a landscape architect intern is guilty of aiding or abetting any person in the violation of the provisions of this chapter or any regulation adopted by the Board.

(l) A person practices as a landscape architect with a certificate of registration or certificate to practice as a landscape architect intern that has expired or has been suspended or revoked.

(m) A holder of a certificate of registration or certificate to practice as a landscape architect intern is disciplined by an agency of another state or foreign country which regulates the practice of landscape architecture and at least one of the grounds for the disciplinary action taken is a ground for disciplinary action pursuant to the provisions of this chapter.

(n) A holder of a certificate of registration or certificate to practice as a landscape architect intern fails to comply with an order issued by the Board or to cooperate in an investigation conducted by the Board.

2. As used in this section:

(a) "Gross negligence" means conduct that demonstrates a reckless disregard of the consequences affecting the life or property of another person.

(b) "Incompetency" means conduct that, in the practice of landscape architecture, demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

(c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in the practice of landscape architecture.

Sec. 27. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor.

2. A conviction of a violation of NRS 624.730 *,* ~~[or]~~ a felony *relating to the practice of a contractor* or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.245 or 108.246.

5. Failure to comply with NRS 597.713, 597.716 or 597.719 or any regulations of the Board governing contracts for the construction of residential pools and spas.

6. Failure to comply with NRS 624.600.

7. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

8. Failure to pay an assessment required pursuant to NRS 624.470.

Sec. 28. NRS 625.410 is hereby amended to read as follows:

625.410 The Board may take disciplinary action against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern for:

1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew a license or cheating on any examination required by this chapter.

2. Any gross negligence, incompetency or misconduct in the practice of professional engineering as a professional engineer or in the practice of land surveying as a professional land surveyor.

3. Aiding or abetting any person in the violation of any provision of this chapter or regulation adopted by the Board.

4. Conviction of or entry of a plea of nolo contendere to ~~[~~:

~~(a) Any felony; or~~

~~(b) Any~~] *any* crime, an essential element of which is dishonesty, or which is directly related to the practice of engineering or land surveying.

5. A violation of any provision of this chapter or regulation adopted by the Board.

6. Discipline by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

7. Practicing after the license of the professional engineer or professional land surveyor has expired or has been suspended or revoked.

8. Failing to comply with an order issued by the Board.

9. Failing to provide requested information within 30 days after receipt of a request by the Board or its investigators concerning a complaint made to the Board.

Sec. 29. NRS 625A.160 is hereby amended to read as follows:

625A.160 The grounds for initiating disciplinary action under this chapter are:

1. Unprofessional conduct;

2. Conviction of a felony *relating to the practice of an environmental health specialist* or any offense involving moral turpitude;

3. The suspension or revocation of a certificate or license as an environmental health specialist by any other jurisdiction; or

4. Failure to meet the requirements for continuing education.

Sec. 30. NRS 628.190 is hereby amended to read as follows:

628.190 1. Except as otherwise provided in this section and NRS 628.310, a certificate of certified public accountant must be granted by the Board to any person who:

(a) Is a resident of this state or, if not a resident, has designated to the Board an agent who is a resident for notification and service of process;

(b) Is a person who is without any history of acts involving dishonesty or moral turpitude;

(c) Complies with the requirements of education and experience as provided in NRS 628.200;

(d) Has submitted to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(e) Has passed the examination prescribed by the Board.

2. The Board may refuse to grant a certificate of certified public accountant to an applicant if he has been convicted of a felony *relating to the practice of a certified public accountant* under the laws of any state or of the United States.

3. The Board may issue a provisional certificate to an applicant until the Board receives the report from the Federal Bureau of Investigation.

Sec. 31. NRS 628.390 is hereby amended to read as follows:

628.390 1. After giving notice and conducting a hearing, the Board may revoke, or may suspend for a period of not more than 5 years, any certificate issued under NRS 628.190 to 628.310, inclusive, any registration or license granted to a registered public accountant under NRS 628.350, or any registration of a partnership, corporation, limited-liability company or office, or may revoke, suspend or refuse to renew any permit issued under NRS 628.380, or may censure the holder of any permit, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as a certified public accountant, or in obtaining registration or a license as a public accountant under this chapter, or in obtaining a permit to practice public accounting under this chapter.

(b) Dishonesty, fraud or gross negligence by a certified or registered public accountant in the practice of public accounting or, if not in the practice of public accounting, of a kind which adversely affects the ability to perform public accounting.

(c) Violation of any of the provisions of this chapter.

(d) Violation of a regulation or rule of professional conduct adopted by the Board under the authority granted by this chapter.

(e) Conviction of a felony under the laws of any state or of the United States ~~[.]~~ *relating to the practice of public accounting.*

(f) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States.

(g) Cancellation, revocation, suspension or refusal to renew authority to practice as a certified public accountant or a registered public accountant by any other state, for any cause other than failure to pay an annual registration fee or to comply with requirements for continuing education or review of his practice in the other state.

(h) Suspension or revocation of the right to practice before any state or federal agency.

(i) Unless the person has been placed on inactive or retired status, failure to obtain an annual permit under NRS 628.380, within:

(1) Sixty days after the expiration date of the permit to practice last obtained or renewed by the holder of a certificate or registrant; or

(2) Sixty days after the date upon which the holder of a certificate or registrant was granted his certificate or registration, if no permit was ever issued to him, unless the failure has been excused by the Board.

(j) Conduct discreditable to the profession of public accounting or which reflects adversely upon the fitness of the person to engage in the practice of public accounting.

(k) Making a false or misleading statement in support of an application for a certificate, registration or permit of another person.

2. After giving notice and conducting a hearing, the Board may deny an application to take the examination prescribed by the Board pursuant to NRS 628.190, deny a person admission to such an examination, invalidate a grade received for such an examination or deny an application for a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:

(a) Made any false or fraudulent statement, or any misleading statement or omission relating to a material fact in an application:

(1) To take the examination prescribed by the Board pursuant to NRS 628.190; or

(2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;

(b) Cheated on an examination prescribed by the Board pursuant to NRS 628.190 or any such examination taken in another state or jurisdiction of the United States;

(c) Aided, abetted or conspired with any person in a violation of the provisions of paragraph (a) or (b); or

(d) Committed any combination of the acts set forth in paragraphs (a), (b) and (c).

3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than $5,000 for each violation of this section. The Board may recover:

(a) Attorney's fees and costs incurred with respect to a hearing held pursuant to this section from a person who is found in violation of any of the provisions of this section;

(b) Attorney's fees and costs incurred in the recovery of a civil penalty imposed pursuant to this section; and

(c) Any other costs incurred by the Board as a result of such a violation.

Sec. 32. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of ~~[a felony,]~~ any offense involving moral turpitude or any offense relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive.

3. The revocation, suspension, modification or limitation of the license to practice any type of medicine by any other jurisdiction or the surrender of the

license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

4. Malpractice, which may be evidenced by claims settled against a practitioner.

5. The engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner.

6. Disruptive behavior with physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

7. The engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain.

8. The failure to offer appropriate procedures or studies, to protest inappropriate denials by organizations for managed care, to provide necessary services or to refer a patient to an appropriate provider, when such a failure occurs with the intent of positively influencing the financial well-being of the practitioner or an insurer.

9. The engaging in conduct that brings the medical profession into disrepute, including, without limitation, conduct that violates any provision of a national code of ethics adopted by the Board by regulation.

10. The engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the physician and the patient in a sexual manner.

Sec. 33. NRS 630A.340 is hereby amended to read as follows:

630A.340 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) ~~[A felony;~~

~~(c)]~~ A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive;

~~[(d)]~~ *(c)* Any offense involving moral turpitude; or

~~[(e)]~~ *(d)* Any offense relating to the practice of homeopathic medicine or the ability to practice homeopathic medicine.

A plea of nolo contendere to any offense listed in ~~[paragraph (a), (b), (c), (d) or (e)]~~ *this subsection* shall be deemed a conviction.

3. The suspension, modification or limitation of a license to practice any type of medicine by any other jurisdiction.

4. The surrender of a license to practice any type of medicine or the discontinuance of the practice of medicine while under investigation by any licensing authority, medical facility, facility for the dependent, branch of the Armed Forces of the United States, insurance company, agency of the Federal Government or employer.

5. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

6. Professional incompetence.

Sec. 34. NRS 632.320 is hereby amended to read as follows:

632.320 The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that he:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

2. Is guilty of ~~[a felony or]~~ any offense:

(a) Involving moral turpitude; or

(b) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

in which case the record of conviction is conclusive evidence thereof.

3. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

5. Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his ability to conduct the practice authorized by his license or certificate.

6. Is mentally incompetent.

7. Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(a) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(b) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(c) Impersonating another licensed practitioner or holder of a certificate.

(d) Permitting or allowing another person to use his license or certificate to practice as a licensed practical nurse, registered nurse or nursing assistant.

(e) Repeated malpractice, which may be evidenced by claims of malpractice settled against him.

(f) Physical, verbal or psychological abuse of a patient.

(g) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

8. Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

9. Is guilty of aiding or abetting any person in a violation of this chapter.

10. Has falsified an entry on a patient's medical chart concerning a controlled substance.

11. Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

12. Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or has committed an act in another state which would constitute a violation of this chapter.

13. Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

14. Has willfully failed to comply with a regulation, subpoena or order of the Board. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

Sec. 35. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony ~~[;]~~ *relating to the practice of osteopathic medicine;*

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

3. The suspension of the license to practice osteopathic medicine by any other jurisdiction.

4. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.526.

Sec. 36. NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony ~~[;]~~ *relating to the practice of chiropractic;*

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

3. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

4. Gross or repeated malpractice.

5. Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee has a financial interest.

Sec. 37. NRS 634A.170 is hereby amended to read as follows:

634A.170 The Board may refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

1. Conviction of:

(a) A felony ~~[;]~~ *relating to the practice of Oriental medicine;*

(b) Any offense involving moral turpitude;

(c) A violation of any state or federal law regulating the possession, distribution or use of any controlled substance, as shown by a certified copy of the record of the court; or

(d) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

2. The obtaining of or any attempt to obtain a license or practice in the profession for money or any other thing of value, by fraudulent misrepresentations;

3. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;

4. Advertising by means of a knowingly false or deceptive statement;

5. Advertising, practicing or attempting to practice under a name other than one's own;

6. Habitual drunkenness or habitual addiction to the use of a controlled substance;

7. Using any false, fraudulent or forged statement or document, or engaging in any fraudulent, deceitful, dishonest or immoral practice in connection with the licensing requirements of this chapter;

8. Sustaining a physical or mental disability which renders further practice dangerous;

9. Engaging in any dishonorable, unethical or unprofessional conduct which may deceive, defraud or harm the public, or which is unbecoming a person licensed to practice under this chapter;

10. Using any false or fraudulent statement in connection with the practice of Oriental medicine or any branch thereof;

11. Violating or attempting to violate, or assisting or abetting the violation of, or conspiring to violate any provision of this chapter;

12. Being adjudicated incompetent or insane;

13. Advertising in an unethical or unprofessional manner;

14. Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment;

15. Willful disclosure of a privileged communication;

16. Failure of a licensee to designate the nature of his practice in the professional use of his name by the term doctor of Oriental medicine;

17. Willful violation of the law relating to the health, safety or welfare of the public or of the regulations adopted by the State Board of Health;

18. Administering, dispensing or prescribing any controlled substance, except for the prevention, alleviation or cure of disease or for relief from suffering; and

19. Performing, assisting or advising in the injection of any liquid silicone substance into the human body.

Sec. 38. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony *relating to the practice of optometry* or a gross misdemeanor involving moral turpitude of which he has been convicted and from which he has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining his license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

7. Affliction with any mental or physical disorder or disturbance seriously impairing his competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while he is in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

Sec. 39. NRS 637A.250 is hereby amended to read as follows:

637A.250 The Board may take disciplinary action against a licensee after a hearing which discloses that the licensee:

1. Has been convicted of a felony ~~[.]~~ *relating to the practice of hearing aid specialists.*

2. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

3. Obtained the license by fraud or misrepresentation.

4. Has made any false or fraudulent statements concerning hearing aids or the business of hearing aid specialist.

5. Has been guilty of negligence, incompetence or unprofessional conduct in his practice as a hearing aid specialist. As used in this subsection, "unprofessional conduct" includes, without limitation:

(a) Conduct which is intended to deceive or which the Board by specific regulation has determined is unethical;

(b) Conduct which is harmful to the public or any conduct detrimental to the public health or safety;

(c) Conduct for which disciplinary action was taken by an agency of another state which is authorized to regulate the practice of hearing aid specialists; and

(d) Knowingly employing, directly or indirectly, any person who is not licensed to fit or dispense hearing aids or whose license to fit or dispense hearing aids has been suspended or revoked.

6. Has loaned or transferred his license to another person.

7. Willfully violated any law of this state or any provision of this chapter regulating hearing aid specialists or the operation of an office, store or other location for dispensing hearing aids.

Sec. 40. NRS 637B.250 is hereby amended to read as follows:

637B.250 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regarding the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony ~~[;]~~ *relating to the practice of audiology or speech pathology;*

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

3. Suspension or revocation of a license to practice audiology or speech pathology by any other jurisdiction.

4. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

5. Professional incompetence.

Sec. 41. NRS 638.140 is hereby amended to read as follows:

638.140 The following acts, among others, are grounds for disciplinary action:

1. Violation of a regulation adopted by the State Board of Pharmacy or the Nevada State Board of Veterinary Medical Examiners;

2. Habitual drunkenness;

3. Addiction to the use of a controlled substance;

4. Conviction of or a plea of nolo contendere to a felony ~~[,]~~ *related to the practice of veterinary medicine,* or any offense involving moral turpitude;

5. Incompetence;

6. Negligence;

7. Malpractice pertaining to veterinary medicine as evidenced by an action for malpractice in which the holder of a license is found liable for damages;

8. Conviction of a violation of any law concerning the possession, distribution or use of a controlled substance or a dangerous drug as defined in chapter 454 of NRS;

9. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association, or an order of a court;

10. Prescribing, administering or dispensing a controlled substance to an animal to influence the outcome of a competitive event in which the animal is a competitor;

11. Willful failure to comply with a request by the Board for medical records within 14 days after receipt of a demand letter issued by the Board;

12. Willful failure to accept service by mail or in person from the Board;

13. Failure of a supervising veterinarian to provide immediate or direct supervision to licensed or unlicensed personnel if the failure results in malpractice or the death of an animal; and

14. Failure of a supervising veterinarian to ensure that a licensed veterinarian is on the premises of a facility or agency when medical treatment is administered to an animal if the treatment requires direct or immediate supervision by a licensed veterinarian.

Sec. 42. NRS 639.210 is hereby amended to read as follows:

639.210 The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

1. Is not of good moral character;

2. Is guilty of habitual intemperance;

3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a lawfully issued prescription, while on duty in any establishment licensed by the Board;

4. Is guilty of unprofessional conduct or conduct contrary to the public interest;

5. Is addicted to the use of any controlled substance;

6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;

7. Has been convicted of ~~[a]~~ *:*

(a) A felony *relating to holding a certificate, license, registration or permit pursuant to this chapter;* or ~~[other]~~

(b) Other crime involving moral turpitude, dishonesty or corruption;

8. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

9. Has willfully made to the Board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;

10. Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;

11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;

12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

13. Has failed to renew his certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;

14. Has had his certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this state;

15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his supervision;

16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him; or

17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS.

Sec. 43. NRS 640A.200 is hereby amended to read as follows:

640A.200 1. The Board may, after notice and hearing, suspend, revoke or refuse to issue or renew a license to practice as an occupational therapist

or occupational therapy assistant, or may impose conditions upon the use of that license, if the Board determines that the holder of or applicant for the license is guilty of unprofessional conduct which has endangered or is likely to endanger the public health, safety or welfare. The Board may reinstate a revoked license upon application by the person to whom the license was issued not less than 1 year after the license is revoked.

2. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held to consider the report within 30 days after receiving the report.

3. As used in this section, "unprofessional conduct" includes:

(a) The obtaining of a license by fraud or through the misrepresentation or concealment of a material fact;

(b) The conviction of ~~[any crime, except a misdemeanor which does not involve]~~ *:*

(1) A felony or gross misdemeanor relating to the practice of occupational therapy; or

(2) Any crime involving moral turpitude; and

(c) The violation of any provision of this chapter or regulation of the Board adopted pursuant to this chapter.

Sec. 44. NRS 641.230 is hereby amended to read as follows:

641.230 The Board may suspend the license of a psychologist, place a psychologist on probation, revoke the license of a psychologist, require remediation for a psychologist or take any other action specified by regulation if the Board finds by a preponderance of the evidence that the psychologist has:

1. Been convicted of a felony ~~[.]~~ *relating to the practice of psychology.*

2. Been convicted of any crime or offense that reflects the inability of the psychologist to practice psychology with due regard for the health and safety of others.

3. Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology.

5. Aided or abetted the practice of psychology by a person not licensed by the Board.

6. Made any fraudulent or untrue statement to the Board.

7. Violated a regulation adopted by the Board.

8. Had his license to practice psychology suspended or revoked or has had any other disciplinary action taken against him by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

9. Failed to report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license or

certificate to practice psychology issued to him by another state or territory of the United States, the District of Columbia or a foreign country.

10. Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

11. Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

12. Engaged in sexual activity with a patient.

13. Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

14. Been convicted of submitting a false claim for payment to the insurer of a patient.

Sec. 45. NRS 641A.310 is hereby amended to read as follows:

641A.310 The Board may refuse to grant a license or may suspend or revoke a license for any of the following reasons:

1. Conviction of a felony ~~[,]~~ *relating to the practice of marriage and family therapy* or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

2. Habitual drunkenness or addiction to the use of a controlled substance.

3. Impersonating a licensed marriage and family therapist or allowing another person to use his license.

4. Using fraud or deception in applying for a license or in passing the examination provided for in this chapter.

5. Rendering or offering to render services outside the area of his training, experience or competence.

6. Committing unethical practices contrary to the interest of the public as determined by the Board.

7. Unprofessional conduct as determined by the Board.

8. Negligence, fraud or deception in connection with services he is licensed to provide pursuant to this chapter.

Sec. 46. NRS 641B.400 is hereby amended to read as follows:

641B.400 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct;

2. Conviction of:

(a) A felony ~~[,]~~ *relating to the practice of social work;*

(b) Any offense involving moral turpitude; or

(c) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or dangerous drug as defined in chapter 454 of NRS;

3. Use of fraud or deception in:

(a) Applying for a license;

(b) Undergoing the initial licensing examination; or

(c) Rendering services as a social worker;

4. Allowing unauthorized use of a license issued pursuant to this chapter;

5. Professional incompetence;

6. Practicing social work without a license; and

7. The habitual use of alcohol or any controlled substance which impairs the ability to practice social work.

Sec. 47. NRS 641C.700 is hereby amended to read as follows:

641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:

1. Conviction of:

(a) A felony ~~[,]~~ *relating to the practice of counseling alcohol and drug abusers;*

(b) An offense involving moral turpitude; or

(c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;

2. Fraud or deception in:

(a) Applying for a license or certificate;

(b) Taking an examination for a license or certificate;

(c) Documenting the continuing education required to renew or reinstate a license or certificate;

(d) Submitting a claim for payment to an insurer; or

(e) The practice of counseling alcohol and drug abusers;

3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor or certified intern to engage in the practice of counseling alcohol and drug abusers;

6. Engaging in the practice of counseling alcohol and drug abusers with an expired, suspended or revoked license or certificate; and

7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board.

Sec. 48. NRS 642.130 is hereby amended to read as follows:

642.130 The following acts are grounds for which the Board may take disciplinary action against a person who is licensed to practice the profession of embalming pursuant to this chapter or refuse to issue such a license to an applicant therefor:

1. Gross incompetency.

2. Unprofessional, unethical or dishonest conduct.

3. Habitual intemperance.

4. Fraud or misrepresentation in obtaining or attempting to obtain a license to practice the profession of embalming.

5. Employment by the licensee of persons commonly known as "cappers," "steerers" or "solicitors," or of other persons to obtain funeral directing or embalming business.

6. Malpractice.

7. Gross immorality.

8. The unlawful use of any controlled substance.

9. Conviction of a felony ~~[.]~~ *relating to the practice of embalming.*

10. False or misleading advertising as defined in NRS 642.490, or false or misleading statements in the sale of merchandise or services.

11. Refusal to surrender promptly the custody of a dead human body upon the request of a person who is legally entitled to custody of the body.

12. Violation by the licensee of any provision of this chapter, any regulation adopted pursuant thereto or any other law of this state relating to the practice of any of the professions regulated by the Board.

13. The theft or misappropriation of money in a trust fund established and maintained pursuant to chapter 689 of NRS.

Sec. 49. NRS 642.470 is hereby amended to read as follows:

642.470 The following acts are grounds for which the Board may take disciplinary action against a person who holds a funeral director's license, a permit to operate a funeral establishment or a license to conduct direct cremations or immediate burials, or refuse to issue such a license or permit to an applicant therefor:

1. Conviction of a crime involving moral turpitude.

2. Unprofessional conduct.

3. False or misleading advertising.

4. Conviction of a felony ~~[.]~~ *relating to the practice of funeral directors.*

5. Conviction of a misdemeanor that is related directly to the business of a funeral establishment.

Sec. 50. NRS 643.185 is hereby amended to read as follows:

643.185 1. The following are grounds for disciplinary action by the Board:

(a) Violation by any person licensed pursuant to the provisions of this chapter of any provision of this chapter or the regulations adopted by the Board.

(b) Conviction of a felony ~~[.]~~ *relating to the practice of barbers.*

(c) Malpractice or incompetency.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Advertising, practicing or attempting to practice under another's name or trade name.

(f) Drunkenness or addiction to a controlled substance.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license;

(b) Revoke or suspend a license;

(c) Impose a fine of not more than $1,000; and

(d) Require the person to pay all costs incurred by the Board relating to the discipline of the person.

Sec. 51. NRS 645.633 is hereby amended to read as follows:

645.633 1. The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of:

(a) Willfully using any trade name, service mark or insigne of membership in any real estate organization of which the licensee is not a member, without the legal right to do so.

(b) Violating any order of the Commission, any agreement with the Division, any of the provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted thereunder.

(c) Paying a commission, compensation or a finder's fee to any person for performing the services of a broker, broker-salesman or salesman who has not secured his license pursuant to this chapter. This subsection does not apply to payments to a broker who is licensed in his state of residence.

(d) ~~[A felony, or has]~~ *Has been convicted of, or* entered a plea of guilty, guilty but mentally ill or nolo contendere to ~~[a charge of]~~ *:*

(1) A felony *relating to the practice of the licensee, property manager or owner-developer;* or ~~[any]~~

(2) *Any* crime involving fraud, deceit, misrepresentation or moral turpitude.

(e) Guaranteeing, or having authorized or permitted any person to guarantee, future profits which may result from the resale of real property.

(f) Failure to include a fixed date of expiration in any written brokerage agreement or to leave a copy of the brokerage agreement with the client.

(g) Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a client.

(h) Gross negligence or incompetence in performing any act for which he is required to hold a license pursuant to this chapter, chapter 119, 119A or 119B of NRS.

(i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

(j) Any conduct which took place before he became licensed, which was in fact unknown to the Division and which would have been grounds for denial of a license had the Division been aware of the conduct.

(k) Knowingly permitting any person whose license has been revoked or suspended to act as a real estate broker, broker-salesman or salesman, with or on behalf of the licensee.

(l) Recording or causing to be recorded a claim pursuant to the provisions of NRS 645.8701 to 645.8811, inclusive, that is determined by a district court to be frivolous and made without reasonable cause pursuant to NRS 645.8791.

2. The Commission may take action pursuant to NRS 645.630 against a person who is subject to that section for the suspension or revocation of a real estate broker's, broker-salesman's or salesman's license issued to him by any other jurisdiction.

3. The Commission may take action pursuant to NRS 645.630 against any person who:

(a) Holds a permit to engage in property management issued pursuant to NRS 645.6052; and

(b) In connection with any property for which the person has obtained a written brokerage agreement to manage the property pursuant to NRS 645.6056:

(1) Is convicted of violating any of the provisions of NRS 202.470;

(2) Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to inform the owner of the property of such notification; or

(3) Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to correct the potential violation, if such corrective action is within the scope of the person's duties pursuant to the written brokerage agreement.

4. The Division shall maintain a log of any complaints that it receives relating to activities for which the Commission may take action against a person holding a permit to engage in property management pursuant to subsection 3.

5. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 4; and

(b) Any disciplinary actions taken by the Commission pursuant to subsection 3.

Sec. 52. NRS 645A.090 is hereby amended to read as follows:

645A.090 1. The Commissioner may refuse to license any escrow agent or agency or may suspend or revoke any license or impose a fine of not more than $500 for each violation by entering an order to that effect, with his findings in respect thereto, if upon a hearing, it is determined that the applicant or licensee:

(a) In the case of an escrow agency, is insolvent;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto or has aided and abetted another to do so;

(c) In the case of an escrow agency, is in such a financial condition that he cannot continue in business with safety to his customers;

(d) Has committed fraud in connection with any transaction governed by this chapter;

(e) Has intentionally or knowingly made any misrepresentation or false statement to, or concealed any essential or material fact from, any principal or designated agent of a principal in the course of the escrow business;

(f) Has intentionally or knowingly made or caused to be made to the Commissioner any false representation of a material fact or has suppressed or withheld from the Commissioner any information which the applicant or licensee possesses;

(g) Has failed without reasonable cause to furnish to the parties of an escrow their respective statements of the settlement within a reasonable time after the close of escrow;

(h) Has failed without reasonable cause to deliver, within a reasonable time after the close of escrow, to the respective parties of an escrow transaction any money, documents or other properties held in escrow in violation of the provisions of the escrow instructions;

(i) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter;

(j) Has been convicted of a felony *relating to the practice of escrow agents or agencies* or any misdemeanor of which an essential element is fraud;

(k) In the case of an escrow agency, has failed to maintain complete and accurate records of all transactions within the last 6 years;

(l) Has commingled the money of others with his own or converted the money of others to his own use;

(m) Has failed, before the close of escrow, to obtain written escrow instructions concerning any essential or material fact or intentionally failed to follow the written instructions which have been agreed upon by the parties and accepted by the holder of the escrow;

(n) Has failed to disclose in writing that he is acting in the dual capacity of escrow agent or agency and undisclosed principal in any transaction; or

(o) In the case of an escrow agency, has:

(1) Failed to maintain adequate supervision of an escrow agent; or

(2) Instructed an escrow agent to commit an act which would be cause for the revocation of the escrow agent's license and the escrow agent committed the act. An escrow agent is not subject to disciplinary action for committing such an act under instruction by the escrow agency.

2. It is sufficient cause for the imposition of a fine or the refusal, suspension or revocation of the license of a partnership, corporation or any other association that any member of the partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for such action had the applicant or licensee been a natural person.

3. The Commissioner may suspend any license for not more than 30 days, pending a hearing, if upon examination into the affairs of the licensee it is determined that any of the grounds enumerated in subsection 1 or 2 exist.

4. The Commissioner may refuse to issue a license to any person who, within 10 years before the date of applying for a current license, has had suspended or revoked a license issued pursuant to this chapter or a comparable license issued by any other state, district or territory of the United States or any foreign country.

Sec. 53. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the office of the Commissioner and pay the fee required pursuant to NRS 645B.050. An application for a license as a mortgage broker must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage broker will conduct business within this state.

(c) State the name under which the applicant will conduct business as a mortgage broker.

(d) List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

(e) If the applicant is a natural person, include the social security number of the applicant.

(f) Include a general business plan and a description of the policies and procedures that the mortgage broker and his mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

(g) State the length of time the applicant has been engaged in the business of a broker.

(h) Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

(i) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business at one or more branch offices within this state, the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application complies with the requirements of this chapter;

(b) The applicant submits the statement required pursuant to NRS 645B.023, if the applicant is required to do so; and

(c) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage broker in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage brokers* or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645E of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

Sec. 54. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the office of the Commissioner and pay the fee required pursuant to NRS 645B.050. An application for a license as a mortgage broker must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage broker will conduct business within this state.

(c) State the name under which the applicant will conduct business as a mortgage broker.

(d) List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

(e) Include a general business plan and a description of the policies and procedures that the mortgage broker and his mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

(f) State the length of time the applicant has been engaged in the business of a mortgage broker.

(g) Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

(h) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business at one or more branch offices within this state, the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage broker in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage brokers* or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645E of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

Sec. 55. NRS 645B.0243 is hereby amended to read as follows:

645B.0243 The Commissioner may refuse to issue a license to an applicant if the Commissioner has reasonable cause to believe that the applicant or any general partner, officer or director of the applicant has, after October 1, 1999, employed or proposed to employ a person as a mortgage agent or authorized or proposed to authorize a person to be associated with a mortgage broker as a mortgage agent at a time when the applicant or the general partner, officer or director knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

1. Had been convicted of, or entered a plea of nolo contendere to ~~[, a]~~ *:*

(a) A felony *relating to the practice of mortgage brokers;* or ~~[any]~~

(b) Any crime involving fraud, misrepresentation or moral turpitude; or

2. Had a financial services license or registration suspended or revoked within the immediately preceding 10 years.

Sec. 56. NRS 645B.450 is hereby amended to read as follows:

645B.450 1. A person shall not act as or provide any of the services of a mortgage agent or otherwise engage in, carry on or hold himself out as engaging in or carrying on the activities of a mortgage agent if the person:

(a) Has been convicted of, or entered a plea of nolo contendere to ~~[, a]~~ *:*

(1) A felony *relating to the practice of mortgage agents;* or ~~[any]~~

(2) Any crime involving fraud, misrepresentation or moral turpitude; or

(b) Has had a financial services license or registration suspended or revoked within the immediately preceding 10 years.

2. A mortgage agent may not be associated with or employed by more than one mortgage broker at the same time.

3. A mortgage broker shall register with the Division each person who will be associated with or employed by the mortgage broker as a mortgage agent. A mortgage broker shall register each such person with the Division when the person begins his association or employment with the mortgage broker and annually thereafter. A registration expires 12 months after its effective date.

4. To register a person as a mortgage agent, a mortgage broker must:

(a) Submit to the Division a registration form which is provided by the Division and which:

(1) States the name, residence address and business address of the person;

(2) Is signed by the person;

(3) Includes a provision by which the person gives his written consent to an investigation of his credit history, criminal history and background; and

(4) Includes any other information or supporting materials required by the regulations adopted by the Commissioner. Such information or supporting materials may include, without limitation, a complete set of fingerprints from the person, the social security number of the person and other forms of identification of the person.

(b) For each initial registration, pay the actual costs and expenses incurred by the Division to investigate the credit history, criminal history and background of the person. All money received pursuant to this paragraph must be placed in the Investigative Account *for Financial Institutions* created by NRS 232.545.

(c) For each annual registration, submit to the Division satisfactory proof that the person attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the registration expires.

5. Not later than the date on which the mortgage broker submits the information for annual registration required by subsection 4, the person being registered shall pay an annual registration fee of $125. If the person does not pay the annual registration fee, the person shall be deemed to be unregistered for the purposes of this chapter.

6. A mortgage broker shall not employ a person as a mortgage agent or authorize a person to be associated with the mortgage broker as a mortgage agent if the mortgage broker has not registered the person with the Division pursuant to this section or if the person:

(a) Has been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage agents* or any crime involving fraud, misrepresentation or moral turpitude; or

(b) Has had a financial services license or registration suspended or revoked within the immediately preceding 10 years.

7. If a mortgage agent terminates his association or employment with a mortgage broker for any reason, the mortgage broker shall, not later than the third business day following the date of termination:

(a) Deliver to the mortgage agent or send by certified mail to the last known residence address of the mortgage agent a written statement which advises him that his termination is being reported to the Division; and

(b) Deliver or send by certified mail to the Division:

(1) A written statement of the circumstances surrounding the termination; and

(2) A copy of the written statement that the mortgage broker delivers or mails to the mortgage agent pursuant to paragraph (a).

8. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 57. NRS 645B.670 is hereby amended to read as follows:

645B.670 Except as otherwise provided in NRS 645B.690:

1. For each violation committed by an applicant, whether or not he is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $10,000, if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by him, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his application for a license or during the course of the investigation of his application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than $10,000, may suspend, revoke or place conditions upon his license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which he is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that he cannot continue in business with safety to his customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by him, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage brokers* or any crime involving fraud, misrepresentation or moral turpitude;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his own or has converted the money or property of others to his own use;

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(p) Has repeatedly violated the policies and procedures of the mortgage broker;

(q) Has failed to exercise reasonable supervision over the activities of a mortgage agent as required by NRS 645B.460;

(r) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(s) Has employed a person as a mortgage agent or authorized a person to be associated with the licensee as a mortgage agent at a time when the licensee knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(1) Had been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage agents* or any crime involving fraud, misrepresentation or moral turpitude; or

(2) Had a financial services license or registration suspended or revoked within the immediately preceding 10 years; or

(t) Has not conducted verifiable business as a mortgage broker for 12 consecutive months, except in the case of a new applicant. The Commissioner shall determine whether a mortgage broker is conducting business by examining the monthly reports of activity submitted by the licensee or by conducting an examination of the licensee.

Sec. 58. NRS 645C.460 is hereby amended to read as follows:

645C.460 1. Grounds for disciplinary action against a certified or licensed appraiser or registered intern include:

(a) Unprofessional conduct;

(b) Professional incompetence;

(c) A criminal conviction for a felony *relating to the practice of appraisers* or any offense involving moral turpitude; and

(d) The suspension or revocation of a registration card, certificate, license or permit to act as an appraiser in any other jurisdiction.

2. If grounds for disciplinary action against an appraiser or intern exist, the Commission may do one or more of the following:

(a) Revoke or suspend his certificate, license or registration card.

(b) Place conditions upon his certificate, license or registration card, or upon the reissuance of a certificate, license or registration card revoked pursuant to this section.

(c) Deny the renewal of his certificate, license or registration card.

(d) Impose a fine of not more than $1,000 for each violation.

3. If a certificate, license or registration card is revoked by the Commission, another certificate, license or registration card must not be issued to the same appraiser or intern for at least 1 year after the date of the revocation, or at any time thereafter except in the sole discretion of the Administrator, and then only if the appraiser or intern satisfies all the requirements for an original certificate, license or registration card.

4. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Commission.

Sec. 59. NRS 645E.200 is hereby amended to read as follows:

645E.200 1. A person who wishes to be licensed as a mortgage company must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645E.280. An application for a license as a mortgage company must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage company will conduct business in this state, including, without limitation, any office or other place of business located outside this state from which the mortgage company will conduct business in this state.

(c) State the name under which the applicant will conduct business as a mortgage company.

(d) If the applicant is not a natural person, list the name, residence address and business address of each person who will have an interest in the mortgage company as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(e) Indicate the general plan and character of the business.

(f) State the length of time the applicant has been engaged in the business of a mortgage company.

(g) Include a financial statement of the applicant.

(h) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage company will conduct business in this state at one or more branch offices, the mortgage company must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage company if:

(a) The application complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage company in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage companies* or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645B of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645B of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. If an applicant is a partnership, corporation or unincorporated association, the Commissioner may refuse to issue a license to the applicant if any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for refusing to issue a license to a natural person.

5. A person may apply for a license for an office or other place of business located outside this state from which the applicant will conduct

business in this state if the applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this state and if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this state the books, accounts, papers, records and files of the office or place of business located outside this state to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this state.

The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 60. NRS 645E.670 is hereby amended to read as follows:

645E.670 1. For each violation committed by an applicant, whether or not he is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $10,000, if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by him, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his application for a license or during the course of the investigation of his application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than $10,000, may suspend, revoke or place conditions upon his license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which he is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that he cannot continue in business with safety to his customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of

this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by him, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered a plea of nolo contendere to, a felony *relating to the practice of mortgage companies* or any crime involving fraud, misrepresentation or moral turpitude;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his own or has converted the money or property of others to his own use; or

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

Sec. 61. NRS 648.110 is hereby amended to read as follows:

648.110 1. Before the Board grants any license, the applicant, including each director and officer of a corporate applicant, must:

(a) Be at least 21 years of age.

(b) Be a citizen of the United States or lawfully entitled to remain and work in the United States.

(c) Be of good moral character and temperate habits.

(d) Have no conviction of ~~[a]~~ *:*

(1) A felony *relating to the practice for which the applicant wishes to be licensed;* or ~~[a]~~

(2) Any crime involving moral turpitude or the illegal use or possession of a dangerous weapon.

2. Each applicant, or the qualifying agent of a corporate applicant, must:

(a) If an applicant for a private investigator's license, have at least 5 years' experience as an investigator, or the equivalent thereof, as determined by the Board.

(b) If an applicant for a repossessor's license, have at least 5 years' experience as a repossessor, or the equivalent thereof, as determined by the Board.

(c) If an applicant for a private patrolman's license, have at least 5 years' experience as a private patrolman, or the equivalent thereof, as determined by the Board.

(d) If an applicant for a process server's license, have at least 2 years' experience as a process server, or the equivalent thereof, as determined by the Board.

(e) If an applicant for a dog handler's license, demonstrate to the satisfaction of the Board his ability to handle, supply and train watchdogs.

(f) If an applicant for a license as an intern, have:

(1) Received:

(I) A baccalaureate degree from an accredited college or university and have at least 1 year's experience in investigation or polygraphic examination satisfactory to the Board;

(II) An associate degree from an accredited college or university and have at least 3 years' experience; or

(III) A high school diploma or its equivalent and have at least 5 years' experience; and

(2) Satisfactorily completed a basic course of instruction in polygraphic techniques satisfactory to the Board.

(g) If an applicant for a license as a polygraphic examiner:

(1) Meet the requirements contained in paragraph (f);

(2) Have actively conducted polygraphic examinations for at least 2 years;

(3) Have completed successfully at least 250 polygraphic examinations, including at least 100 examinations concerning specific inquiries as distinguished from general examinations for the purpose of screening;

(4) Have completed successfully at least 50 polygraphic examinations, including 10 examinations concerning specific inquiries, during the 12 months immediately before the date of his application; and

(5) Have completed successfully at least 24 hours of advanced polygraphic training acceptable to the Board during the 2 years immediately before the date of his application.

(h) Meet other requirements as determined by the Board.

3. The Board, when satisfied from recommendations and investigation that the applicant is of good character, competency and integrity, may issue and deliver a license to the applicant entitling him to conduct the business for which he is licensed, for the period which ends on July 1 next following the date of issuance.

4. For the purposes of this section, 1 year of experience consists of 2,000 hours of experience.

Sec. 62. NRS 648.150 is hereby amended to read as follows:

648.150 The Board may discipline any licensee for any of the following causes:

1. Conviction of a felony *relating to the practice of the licensee* or of any offense involving moral turpitude.

2. Violation of any of the provisions of this chapter or of a regulation adopted pursuant thereto.

3. A false statement by the licensee that any person is or has been in his employ.

4. Any unprofessional conduct or unfitness of the licensee or any person in his employ.

5. Any false statement or the giving of any false information in connection with an application for a license or a renewal or reinstatement of a license.

6. Any act in the course of the licensee's business constituting dishonesty or fraud.

7. Impersonation or aiding and abetting an employee in the impersonation of a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof.

8. During the period between the expiration of a license for the failure to renew within the time fixed by this chapter and the reinstatement of the license, the commission of any act which would be a cause for the suspension or revocation of a license, or grounds for the denial of an application for a license.

9. Willful failure or refusal to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.

10. Commission of assault, battery or kidnapping.

11. Knowing violation of any court order or injunction in the course of business as a licensee.

12. Any act which is a ground for denial of an application for a license under this chapter.

13. Willfully aiding or abetting a person in a violation of a provision of this chapter or a regulation adopted pursuant thereto.

Sec. 63. NRS 649.085 is hereby amended to read as follows:

649.085 Every individual applicant, every officer and director of a corporate applicant, and every member of a firm or partnership applicant for a license as a collection agency or collection agent must submit proof satisfactory to the Commissioner that he:

1. Is a citizen of the United States or lawfully entitled to remain and work in the United States.

2. Has a good reputation for honesty, trustworthiness, integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

3. Has not had a collection agency license suspended or revoked within the 10 years immediately preceding the date of the application.

4. Has not been convicted of, or entered a plea of nolo contendere to ~~[, a]~~ :

(a) A felony *relating to the practice of collection agencies or collection agents;* or ~~[any]~~

(b) Any crime involving fraud, misrepresentation or moral turpitude.

5. Has not made a false statement of material fact on his application.

6. Will maintain one or more offices in this state for the transaction of the business of his collection agency.

7. Has established a plan to ensure that his collection agency will provide the services of a collection agency adequately and efficiently.

Sec. 64. NRS 652.220 is hereby amended to read as follows:

652.220 A license may be denied, suspended or revoked if the laboratory, laboratory director or any technical employee of the laboratory:

1. Violates any provision of this chapter;

2. Makes any misrepresentation in obtaining a license;

3. Has been convicted of a felony ~~[;]~~ *relating to the position for which the applicant has applied or the licensee has been licensed pursuant to this chapter;*

4. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

5. Is guilty of unprofessional conduct;

6. Knowingly permits the use of the name of a licensed laboratory or its director by an unlicensed laboratory; or

7. Fails to meet the minimum standards prescribed by the Board.

Sec. 65. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and hearing, impose an administrative fine of not more than $2,500 on and suspend or revoke the license of any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony ~~[;]~~ *relating to the practice of administering a nursing facility or residential facility* or of any offense involving moral turpitude.

(b) Has obtained his license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.001 to 449.240, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups.

2. The Board shall give a licensee against whom proceedings are brought pursuant to this section written notice of a hearing not less than 10 days before the date of the hearing.

3. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Board.

Sec. 66. NRS 656.240 is hereby amended to read as follows:

656.240 The Board may refuse to issue or to renew or may suspend or revoke any certificate for any one or a combination of the following causes:

1. If the applicant or court reporter has by false representation obtained or sought to obtain a certificate for himself or any other person.

2. If the applicant or court reporter has been found in contempt of court, arising out of his conduct in performing or attempting to perform any act as a court reporter.

3. If the applicant or court reporter has been convicted of a crime related to the qualifications, functions and responsibilities of a certified court reporter.

4. If the applicant or court reporter has been convicted of ~~[a felony or gross misdemeanor or of]~~ any offense involving moral turpitude. The judgment of conviction or a certified copy of the judgment is conclusive evidence of conviction of an offense.

Sec. 67. NRS 676.290 is hereby amended to read as follows:

676.290 1. The Commissioner may, pursuant to the procedure provided in this chapter, deny, suspend or revoke any license for which application has been made or which has been issued under the provisions of this chapter if he finds, as to the licensee, its associates, directors or officers, grounds for action.

2. Any one of the following grounds may provide the requisite grounds for denial, suspension or revocation:

(a) Conviction of a felony *relating to the practice of debt adjusters* or of a misdemeanor involving moral turpitude.

(b) Violation of any of the provisions of this chapter or regulations of the Commissioner.

(c) Fraud or deceit in procuring the issuance of the license.

(d) Continuous course of unfair conduct.

(e) Insolvency, filing in bankruptcy, receivership or assigning for the benefit of creditors by any licensee or applicant for a license under this chapter.

(f) Failure to pay the fee for renewal or reinstatement of a license.

3. The Commissioner shall, after notice and hearing, impose upon the licensee a fine of $500 for each violation by the licensee of any of the provisions of this chapter or regulations of the Commissioner. If a fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Commissioner.

Sec. 68. NRS 692A.105 is hereby amended to read as follows:

692A.105 1. The Commissioner may refuse to license any title agent or escrow officer or may suspend or revoke any license or impose a fine of not

more than $500 for each violation by entering an order to that effect, with his findings in respect thereto, if upon a hearing, it is determined that the applicant or licensee:

(a) In the case of a title agent, is insolvent or in such a financial condition that he cannot continue in business with safety to his customers;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto or has aided and abetted another to do so;

(c) Has committed fraud in connection with any transaction governed by this chapter;

(d) Has intentionally or knowingly made any misrepresentation or false statement to, or concealed any essential or material fact known to him from, any principal or designated agent of the principal in the course of the escrow business;

(e) Has intentionally or knowingly made or caused to be made to the Commissioner any false representation of a material fact or has suppressed or withheld from him any information which the applicant or licensee possesses;

(f) Has failed without reasonable cause to furnish to the parties of an escrow their respective statements of the settlement within a reasonable time after the close of escrow;

(g) Has failed without reasonable cause to deliver, within a reasonable time after the close of escrow, to the respective parties of an escrow transaction any money, documents or other properties held in escrow in violation of the provisions of the escrow instructions;

(h) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter;

(i) Has been convicted of a felony *relating to the practice of title agents* or any misdemeanor of which an essential element is fraud;

(j) In the case of a title agent, has failed to maintain complete and accurate records of all transactions within the last 7 years;

(k) Has commingled the money of other persons with his own or converted the money of other persons to his own use;

(l) Has failed, before the close of escrow, to obtain written instructions concerning any essential or material fact or intentionally failed to follow the written instructions which have been agreed upon by the parties and accepted by the holder of the escrow;

(m) Has failed to disclose in writing that he is acting in the dual capacity of escrow agent or agency and undisclosed principal in any transaction;

(n) In the case of an escrow officer, has been convicted of, or entered a plea of guilty or nolo contendere to, any crime involving moral turpitude; or

(o) Has failed to obtain and maintain a copy of the executed agreement or contract that establishes the conditions for the sale of real property.

2. It is sufficient cause for the imposition of a fine or the refusal, suspension or revocation of the license of a partnership, corporation or any other association if any member of the partnership or any officer or director of the corporation or association has been guilty of any act or omission directly arising from the business activities of a title agent which would be cause for such action had the applicant or licensee been a natural person.

3. The Commissioner may suspend or revoke the license of a title agent, or impose a fine, if the Commissioner finds that the title agent:

(a) Failed to maintain adequate supervision of an escrow officer title agent he has appointed or employed.

(b) Instructed an escrow officer to commit an act which would be cause for the revocation of the escrow officer's license and the escrow officer committed the act. An escrow officer is not subject to disciplinary action for committing such an act under instruction by the title agent.

4. The Commissioner may refuse to issue a license to any person who, within 10 years before the date of applying for a current license, has had suspended or revoked a license issued pursuant to this chapter or a comparable license issued by any other state, district or territory of the United States or any foreign country.

Sec. 69. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a set of his fingerprints, which must be forwarded to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) Has been a resident of the State for 30 days before his application for a permit;

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab in this state.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony ~~[, other than a felony involving any sexual offense,]~~ *relating to the practice of taxicab drivers* in this state or any other jurisdiction ~~[within 5 years]~~ *at any time* before the date of the application;

(b) A felony involving any sexual offense in this state or any other jurisdiction at any time before the date of the application; or

(c) A violation of NRS 484.379 or 484.3795 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant,

determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, $20 for an original driver's permit and $5 for a renewal.

Sec. 70. NRS 176A.860 is hereby repealed.

Sec. 71. 1. Any person residing in this state who, before July 1, 2003, was:

(a) Honorably discharged from probation pursuant to NRS 176A.850;

(b) Pardoned pursuant to NRS 213.090;

(c) Honorably discharged from parole pursuant to NRS 213.154 and 213.155; or

(d) Released from prison pursuant to NRS 213.157,

in this state or elsewhere, who is not on probation or parole or serving a sentence of imprisonment on July 1, 2003, and who has not had his civil rights restored is hereby restored to the civil rights set forth in subsection 2.

2. A person listed in subsection 1:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date on which he is released from his sentence of imprisonment, is restored to the right to hold office.

(c) Six years after the date on which he is released from his sentence of imprisonment, is restored to the right to serve as a juror in a criminal action.

3. A person who is restored to his civil rights pursuant to this section and whose official documentation which demonstrates that the person qualifies to have his civil rights restored pursuant to subsection 1 is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person qualifies to have his civil rights restored pursuant to subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 2. A person must not be required to pay a fee to receive such an order.

4. A person who is restored to his civil rights pursuant to this section may present official documentation that he qualifies to have his civil rights restored pursuant to subsection 1 or a court order restoring his civil rights as proof that he has been restored to the civil rights set forth in subsection 2.

Sec. 72. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 73. 1. This section and sections 1 to 53, inclusive, and 55 to 72, inclusive, of this act become effective on July 1, 2003.

2. Section 53 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for support of one or more children,

are repealed by the Congress of the United States.

3. Section 54 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for support of one or more children,

are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

176A.860 Procedure for applying for restoration of civil rights after honorable discharge.

1. If a person is granted an honorable discharge from probation, not sooner than 6 months after his honorable discharge, the person may apply to the Division to request a restoration of his civil rights if the person:

(a) Has not previously been restored to his civil rights; and

(b) Has not been convicted of any offense greater than a traffic violation after his honorable discharge.

2. If a person applies to the Division to request a restoration of his civil rights, the person must submit with his application a current, certified record of his criminal history received from the Central Repository for Nevada Records of Criminal History. If the Division determines after an investigation that the person meets the requirements of this section, the Division shall petition the court in which the person was convicted for an order granting the restoration of his civil rights. If the Division refuses to submit such a petition, the person may, after notice to the Division, directly petition the court for an order granting the restoration of his civil rights.".

Amend the title of the bill to read as follows:

"AN ACT relating to convicted persons; expanding the crimes for which a defendant is required to submit a biological specimen when he is found guilty; providing for the immediate restoration of the civil right to vote and to sit as a juror in a civil action and for the automatic restoration of certain other civil rights of certain ex-felons on specified future dates; providing for the automatic restoration of the civil rights of a person whose records of conviction are sealed; limiting the persons who are required to register as convicted persons; prohibiting a law enforcement agency from requiring a convicted person to carry a registration card; revising the provisions governing the employment of certain convicted felons; revising the provisions governing the certification and licensure of certain convicted

felons in certain professions and occupations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning persons convicted of certain crimes. (BDR 14-330)”.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 55.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

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

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 12:29 p.m.

Mr. Speaker presiding.

Quorum present.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 257.

The following Senate amendment was read:

Amendment No. 951.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $5,800,000 to provide allocations to school districts that incur unexpected expenses related to providing health insurance for their employees during the 2003-2005 biennium. No additional appropriation will be made for this purpose. The money appropriated pursuant to this subsection must not be used to negotiate the salaries of educational personnel.

2. The State Board of Examiners shall adopt policies, procedures and criteria for the review of requests for allocations pursuant to subsection 3. Upon the adoption of such policies, procedures and criteria, the State Board of Examiners shall transmit a copy of the policies, procedures and criteria to the Interim Finance Committee for approval. Upon approval of the policies, procedures and criteria, the Interim Finance Committee shall transmit a copy of the policies, procedures and criteria to the Department of Education. The policies, procedures and criteria adopted by the State Board of Examiners may not be used until they are approved by the Interim Finance Committee.

3. If a school district finds that it has unexpected expenses related to providing health insurance to its employees during the 2003-2005 biennium, the school district may submit a request to the Department of Education for an allocation from the appropriation in subsection 1.

4. The Department of Education, the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau shall jointly review a request submitted pursuant to subsection 3, using the policies, procedures and criteria approved by the Interim Finance Committee pursuant to subsection 2. Upon completion of the review, a recommendation for or against an allocation to the requesting school district must be submitted by the Department of Education to the State Board of Examiners.

5. The State Board of Examiners shall consider each request and recommend the amount of the allocation, if any, to the Interim Finance Committee.

6. The Interim Finance Committee is not required to approve the entire amount of an allocation recommended pursuant to subsection 5 or to allocate the entire amount appropriated by subsection 1.

7. Any remaining balance of the sum appropriated by subsection 1 must not be allocated by the Interim Finance Committee after June 30, 2005, and reverts to the State General Fund as soon as all payments of money committed have been made.".

Amend the title of the bill, second line, by deleting "Fund;" and inserting: Fund and to assist school districts in paying for health insurance for their employees;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes appropriations to restore balance in Contingency Fund and to assist school districts in paying for health insurance for employees. (BDR S-1235)".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 257.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 549.

The following Senate amendment was read:

Amendment No. 959.

Amend section 1, pages 1 and 2, lines 16 and 17 on page 1 and line 1 on page 2, by deleting the brackets and strike-through.

Amend section 1, page 2, line 4, by deleting "~~[(c)]~~ *(b)*" and inserting "(c)".

Amend section 1, page 2, line 7, by deleting "~~[(d)]~~ *(c)*" and inserting "(d)".

Amend section 1, page 2, line 15, after "3." by inserting: "*Notwithstanding the provisions of paragraphs (a) and (b) of subsection 2, money in the account derived from the forfeiture of any property described in NRS 453.301 may be used to pay for the operating expenses of a joint task force on narcotics otherwise funded by a federal, state or private grant or donation. As used in this subsection, "joint task force on narcotics" means a*

task force on narcotics operated by the Department of Public Safety in conjunction with other local or federal law enforcement agencies.

4.".

Amend section 1, page 2, line 16, by deleting "~~[(d)]~~ *(c)*" and inserting "(d)".

Amend section 1, page 2, line 22, by deleting "4." and inserting "~~[4.]~~ *5.*".

Amend section 1, page 2, lines 24 and 27, by deleting "~~[(d)]~~ *(c)*" and inserting "(d)".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 549.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 388, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

ELLEN KOIVISTO	RANDOLPH J. TOWNSEND
BOB MCCLEARY	WARREN B. HARDY
CHAD CHRISTENSEN	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Koivisto moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 388.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 398, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA25, which is attached to and hereby made a part of this report.

SHEILA LESLIE	RANDOLPH J. TOWNSEND
KELVIN ATKINSON	WARREN B. HARDY
TOM GRADY	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA25.

Amend sec. 10, page 6, line 35, by deleting "*20*" and inserting "*15*".

Amend sec. 10, page 6, by deleting lines 39 through 42 and inserting:

"*3. The period over which payments are made on a performance contract must equal the period over which the operating cost savings are amortized. Payments on a performance contract must not commence until the operating cost-savings measures have been installed by the qualified service company.*".

Amend sec. 24, page 13, line 41, by deleting "*20*" and inserting "*15*".

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 398.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 114, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

WENDELL P. WILLIAMS	WARREN B. HARDY
PEGGY PIERCE	SANDRA TIFFANY
PETE GOICOECHEA	DINA TITUS
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Williams moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 114.

Remarks by Assemblyman Williams.

Motion carried by a constitutional majority.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Giunchigliani moved that the Assembly do not recede from its action on Senate Bill No. 137, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Giunchigliani, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 137.

Assemblywoman Buckley moved that the Assembly recess until 5:30 p.m.

Motion carried.

Assembly in recess at 12:43 p.m.

ASSEMBLY IN SESSION

At 5:52 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Concurrent Resolution No. 31, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 392.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 519, 521.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 544, Amendment No. 966, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 250, Senate Amendment No. 741, and requests a conference, and appointed Senators Amodei, Care, and McGinness as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 493, Senate Amendment No. 712, and requests a conference, and appointed Senators Hardy, O'Connell, and Carlton as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 188, 243, 498.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 503.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 250.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 218 and appointed Senators Cegavske, O'Connell, and Care as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Assembly Bill No. 218.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rawson, Rhoads, and Coffin as a first Conference Committee concerning Senate Bill No. 46.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 78, 358; Senate Bills Nos. 34, 59, 102, 193, 336, 436.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Horne, Geddes, and Conklin as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 250.

Mr. Speaker appointed Assemblymen Brown, Goldwater, and Oceguera as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 493.

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

Assembly in recess at 5:54 p.m.

ASSEMBLY IN SESSION

At 6:12 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Concurrent Resolution No. 13 just returned from the printer, be placed on the Resolution File.
Motion carried.

Assemblyman Christensen moved that Assembly Bill No. 490 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Senate Concurrent Resolution No. 13.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted, as amended.

Senate Concurrent Resolution No. 31.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 188.
Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 243.
Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 250.
Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 498.
Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 503.
Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

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

Assembly in recess at 6:19 p.m.

ASSEMBLY IN SESSION

At 6:20 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 490.
Bill read third time.
Roll call on Assembly Bill No. 490:
YEAS—38.
NAYS—Angle, Gustavson—2.
NOT VOTING—Arberry.
EXCUSED—Mabey.
Assembly Bill No. 490 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 193, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA26, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI	WARREN B. HARDY
DAVID GOLDWATER	RAYMOND C. SHAFFER
JOSH GRIFFIN	MICHAEL SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA26.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 616A.185 is hereby amended to read as follows:

616A.185 *For the purposes of chapters 616A to 616D, inclusive, of NRS:*

1. A member of the Nevada Legislature shall be deemed ~~[for the purposes of chapters 616A to 616D, inclusive, of NRS]~~ to be an employee of the State during his term of office at the wage of $2,000 per month and is entitled to the benefits of those chapters.

2. Except as otherwise provided in this subsection and subsection 1 of NRS 616A.265, any injury sustained by a member of the Nevada Legislature shall be deemed to have arisen out of and in the course of his employment as

a Legislator if, at the time of the injury, he was performing any act or was engaging in any event that was reasonably related to his legislative office or his public service as a Legislator, whether or not he was receiving remuneration from the State for performing the act or engaging in the event at the time of the injury. The provisions of this subsection do not apply to any injury sustained by a member of the Nevada Legislature if, at the time of the injury, he was performing any act or was engaging in any event that was reasonably related to a political campaign for any legislative or other elective office.".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. 1. If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability for which a final determination was made before January 1, 1996, the claimant or dependent is entitled to a single payment for that permanent total disability in an amount determined by the Administrator pursuant to subsection 4.

2. As soon as practicable after the effective date of this act, the Administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265, an amount that, as determined by the Administrator, is required to obtain a total of $500,000. As soon as practicable after determining that amount, the Administrator shall submit to each insurer assessed pursuant to this subsection a written notice setting forth the amount of the assessment. Within 90 days after receiving the written notice, the insurer shall remit the assessment to the Administrator. Any money collected by the Administrator from the assessment must be accounted for separately by the Administrator.

3. An insurer who pays an assessment pursuant to this section shall charge and collect from each policyholder of the insurer a fee to cover the amount of the assessment. Such a fee is in addition to any premium charged to the policyholder for industrial insurance and must not be included in the amount of any such premium. The insurer shall bill the policyholder separately for the fee or include the fee as a separate charge on the policy.

4. The Administrator shall adopt regulations establishing a method for the equitable distribution of the money collected from the assessment pursuant to this section. The regulations must provide for payments that result in the largest proportional share of the money collected from the assessment being paid to claimants and dependents who receive the lowest amount of compensation pursuant to chapters 616A to 617, inclusive, of NRS for the permanent total disability. The Administrator may adopt any other regulations that are necessary to carry out the provisions of this section.

5. The Administrator shall make the payment required by this section to each claimant and dependent who is entitled to the payment not later than July 1, 2004. Any payment received by a claimant or dependent pursuant to

this section is in addition to any compensation to which the claimant or dependent is otherwise entitled by law.

6. If any words and terms used in this section are defined in NRS 616A.030 to 616A.360, inclusive, such words and terms must be given the meanings ascribed to them in NRS 616A.030 to 616A.360, inclusive. The provisions of this section must be interpreted and enforced by the Administrator as if they were part of chapters 616A to 617, inclusive, of NRS.".

Amend the title of the bill to read as follows:

"AN ACT relating to industrial insurance; clarifying the coverage of industrial insurance for members of the Nevada Legislature; extending the coverage of industrial insurance for employees of school districts who engage in an athletic or social event under certain circumstances; providing for a one-time payment to certain claimants and dependents of claimants who are receiving compensation for a permanent total disability; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to coverage of industrial insurance for certain employees and compensation for permanent total disability for certain claimants and dependents of claimants. (BDR 53-782)".

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 193.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a two-thirds constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 34, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

VONNE CHOWNING	
JASON GEDDES	RAYMOND D. RAWSON
BOB MCCLEARY	BERNICE MATHEWS
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Chowning moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 34.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 102, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA20, which is attached to and hereby made a part of this report.

DAVID GOLDWATER	WARREN B. HARDY
BARBARA BUCKLEY	RAYMOND C. SHAFFER
BOB BEERS	MICHAEL SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA20.

Amend the bill as a whole by deleting sec. 3 and adding:

"Sec. 3. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 8 and adding:

"Sec. 8. (Deleted by amendment.)".

Amend the title of the bill, sixth through ninth lines, by deleting: "requiring the confirmation of each appointment by the Governor of a person to serve as a Commissioner or as an Acting Commissioner;".

Assemblyman Goldwater moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 102.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

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

Assembly in recess at 6:28 p.m.

ASSEMBLY IN SESSION

At 6:30 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 552—AN ACT relating to statutes; making technical corrections to certain measures previously approved by the 72nd Session of the Nevada Legislature; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 73, 81, 395, 473, 534 and 550; Senate Bills Nos. 206, 207, 264, 314, 449, 459, 473 and 495; Senate Joint Resolutions Nos. 10 and 11.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hoffman.

On request of Assemblyman Geddes, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Clement.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to R.J. Keetch.

Assemblywoman Buckley moved that the Assembly adjourn until Sunday, June 1, 2003, at 11:00 a.m.

Motion carried.

Assembly adjourned at 6:33 p.m.

Approved: RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 1, 2003

Assembly called to order at 11:16 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Assemblyman Richard Perkins.

What are always the toughest days of the Legislative Session, we oftentimes worry about license plates and other things. We're sometimes not as nice to each other as we should be. I'm going to borrow a prayer that was given to this House in 1997:

We pray for children

who put chocolate fingers everywhere,
who like to be tickled,
who stomp in puddles and ruin their new pants,
who sneak Popsicles before supper,
who erase holes in math workbooks,
who can never find their shoes.

And we pray for those

who stare at photographers from behind barbed wire,
who can't bound down the street in a new pair of sneakers,
who never "counted potatoes,"
who are born in places we wouldn't be caught dead,
who never go to the circus and who live in an X-rated world.

We pray for children

who bring us sticky kisses and fistfuls of dandelions,
who sleep with the dog and bury the goldfish,
who hug us in a hurry and forget their lunch money,
who cover themselves with Band-aids and sing off key,
who squeeze toothpaste all over the sink and who slurp their soup.

And we pray for those

who never get dessert,
who have no safe blanket to drag behind them,
who watch their parents watch them die,
who can't find any bread to steal,
who don't have any rooms to clean up,
whose pictures aren't on anybody's dresser,
whose monsters are real.

We pray for children

who spend all their allowance before Tuesday,
who throw tantrums in the grocery store and pick at their food,
who like ghost stories,
who shove dirty clothes under the bed and never rinse out the tub,
who get visits from the tooth fairy,

who don't like to be kissed in front of the carpool,
who squirm in church or temple and scream in the phone,
whose tears we sometimes laugh at and whose smiles can make us cry.

We pray for those

whose nightmares come in the daytime,
who will eat anything,
who have never seen a dentist,
who aren't spoiled by anybody,
who go to bed hungry and cry themselves to sleep,
who live and move, but have no being.

We pray for children who want to be carried and

for those who must,
for those we never give up on and for those
who don't get a second chance.

For those we smother and for those who will grab the hand of anybody kind enough to offer it.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 551, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 553—AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1, 2003, and ending June 30, 2004, and beginning July 1, 2004, and ending June 30, 2005; providing for the use of the money so appropriated; making various other changes relating to the financial administration of the State; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 460.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 981.

Amend the bill as a whole by deleting sec. 8 and adding:

"Sec. 8. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 10 through 37 and adding:

"Secs. 10-37. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 59 through 79 and adding:

"Secs. 59-79. (Deleted by amendment.)".

Amend the title of the bill to read as follows:

"AN ACT relating to tobacco; making various changes relating to the sale of tobacco products to and the purchase of those products by minors; making various changes regarding the sale, delivery and taxation of cigarettes; revising the duties and rights of manufacturers and distributors of cigarettes; revising the duties of the Department of Taxation; providing civil and criminal penalties; and providing other matters properly relating thereto.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Conference Committee concerning Assembly Bill No. 218, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA36, which is attached to and hereby made a part of this report.

VONNE CHOWNING	BARBARA CEGAVSKE
BOB MCCLEARY	ANN O'CONNELL
GARN MABEY	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA36

Amend section 1, page 1, by deleting line 7 and inserting: "teachers *and other educational personnel and support personnel who are employed at the school,* and *the* parents *and guardians* of pupils who are enrolled in the school.".

Amend section 1, page 2, line 1, after "*2.*" by inserting: "*On or before October 1 of each year, the principal of each public school shall:*

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary; and

(c) Post a copy of the plan or the revised plan, as applicable, in a prominent place at the school for public inspection and otherwise make the plan available for public inspection at the administrative office of the school.

3.".

Amend section 1, page 2, line 12, by deleting "*3.*" and inserting "*4.*".

Amend section 1, page 2, line 15, by deleting "*2*" and inserting "*3*".

Amend section 1, page 2, line 18, by deleting "*4.*" and inserting "*5.*".

Amend the title of the bill, first line, after "education;" by inserting: "revising provisions governing the plan required of each public school for the progressive discipline of pupils and on-site review of disciplinary decisions;".

Assemblywoman Chowning moved that the Assembly adopt the report of the second Conference Committee concerning Assembly Bill No. 218.

Remarks by Assemblywoman Chowning.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that for the balance of the session, that all rules be suspended, reading so far had considered second reading, rules further suspended, all bills and joint resolutions reported out of committee

without amendments declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

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

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 5:33 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 49, 51, 498, 501, 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 533, Amendment No. 963, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 249, Senate Amendment No. 934, and requests a conference, and appointed Senators Rawson, Mathews, and Coffin as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 184.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 935 to Senate Bill No. 420; Assembly Amendment No. 749 to Senate Bill No. 460.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cegavske, Titus, and Rawson as a first Conference Committee concerning Senate Bill No. 137.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 55, 114, 388, 398, 444; Senate Bills Nos. 46, 229, 231, 359, 451.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 184.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 496.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 976.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 7 and the text of repealed sections, following the enacting clause, to read as follows:

"Section 1. NRS 231.141 is hereby amended to read as follows:

231.141 As used in NRS 231.141 to 231.152, inclusive, unless the context otherwise requires, the words and terms defined in NRS 231.142 ~~[to 231.146, inclusive,]~~ *, 231.143 and 231.146* have the meanings ascribed to them in those sections.

Sec. 2. NRS 231.147 is hereby amended to read as follows:

231.147 1. A person who operates a business or will operate a business in this state may apply to the Commission for approval of a program. The application must be submitted on a form prescribed by the Commission.

2. Each application must include:

(a) The name, address and telephone number of the business;

(b) The number and types of jobs for the business that are available or will be available upon completion of the program;

(c) A statement of the objectives of the proposed program;

(d) The estimated cost for each person enrolled in the program; and

(e) A statement signed by the applicant certifying that, if the program set forth in the application is approved and money is granted by the ~~[Director]~~ *Commission* to a community college for the program, each employee who completes the program:

(1) Will be employed in a full-time and permanent position in the business; and

(2) While employed in that position, will be paid not less than 80 percent of the lesser of the average industrial hourly wage in:

(I) This state; or

(II) The county in which the business is located, as determined by the Employment Security Division of the Department *of Employment, Training and Rehabilitation* on July 1 of each fiscal year.

3. Upon request, the Commission may assist an applicant in completing an application pursuant to the provisions of this section.

4. Except as otherwise provided in subsection 5, the Commission shall approve or deny each application at the next regularly scheduled meeting of the Commission. When considering an application, the Commission shall give priority to a business that:

(a) Provides high-skill and high-wage jobs to residents of this state; and

(b) To the greatest extent practicable, uses materials for the business that are produced or bought in this state.

5. Before approving an application, the Commission shall establish the amount of matching money that the applicant must provide for the program. The amount established by the Commission for that applicant must not be less than 25 percent of the amount the Commission approves for the program.

6. If the Commission approves an application, it shall notify the applicant, in writing, within 10 days after the application is approved.

7. If the Commission denies an application, it shall, within 10 days after the application is denied, notify the applicant in writing. The notice must include the reason for denying the application.

Sec. 3. NRS 231.149 is hereby amended to read as follows:

231.149 1. The ~~[Director]~~ *Commission* may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of NRS 231.141 to 231.152, inclusive.

2. Any money the ~~[Director]~~ *Commission* receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 231.151.

Sec. 4. NRS 231.151 is hereby amended to read as follows:

231.151 1. Any money the ~~[Director]~~ *Commission* receives pursuant to NRS 231.149 or that is appropriated to carry out the provisions of NRS 231.141 to 231.152, inclusive:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; *and*

(b) May only be used to carry out those provisions . ~~[; and~~

~~(c) Does not revert to the State General Fund at the end of any fiscal year.]~~

2. *Except as otherwise provided in subsection 3, the balance remaining in the account that has not been committed for expenditure on or before June 30 of a fiscal year reverts to the State General Fund.*

3. In calculating the uncommitted remaining balance in the account at the end of a fiscal year, any money in the account that is attributable to a gift, grant, donation or contribution:

(a) To the extent not inconsistent with a term of the gift, grant, donation or contribution, shall be deemed to have been committed for expenditure before any money that is attributable to a legislative appropriation; and

(b) Must be excluded from the calculation of the uncommitted remaining balance in the account at the end of the fiscal year if necessary to comply with a term of the gift, grant, donation or contribution.

4. The ~~[Director]~~ *Commission* shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 5. NRS 231.152 is hereby amended to read as follows:

231.152 ~~[1. Except as otherwise provided in subsection 2, the Director may adopt such regulations as are necessary to carry out the provisions of NRS 231.141 to 231.152, inclusive.~~

~~2.]~~ The Commission may adopt such regulations as are necessary to carry out the provisions of NRS 231.147 . ~~[and 231.148.]~~

Sec. 6. NRS 231.144, 231.145 and 231.148 are hereby repealed.

Sec. 7. This act becomes effective on July 1, 2003.

TEXT OF REPEALED SECTIONS

231.144 "Department" defined. "Department" means the Department of Employment, Training and Rehabilitation.

231.145 "Director" defined. "Director" means the Director of the Department.

231.148 Grants to Commission by Director; notification.

1. Except as otherwise provided in subsection 2, the Director may grant an amount not to exceed $500,000 per fiscal year to the Commission to pay for programs that the Commission approves pursuant to NRS 231.147.

2. If the Commission expends the amount granted pursuant to subsection 1 before the end of the fiscal year, the Commission may request that the Director grant additional money to pay for programs that the Commission approves pursuant to NRS 231.147.

3. Upon receipt of a request for additional money pursuant to subsection 2, the Director shall decide whether to grant the additional money and shall send written notice of his decision to the Commission in a timely manner.".

Amend the title of the bill to read as follows:

"AN ACT relating to economic development; revising various provisions governing certain training programs for employees of businesses; providing for the reversion to the State General Fund of certain money administered by the Commission on Economic Development to carry out such training programs; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises various provisions governing certain training programs for employees of businesses. (BDR 18-1348)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 5:37 p.m.

ASSEMBLY IN SESSION

At 5:46 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Pierce, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 249.

GENERAL FILE AND THIRD READING

Senate Bill No. 216.

Bill read third time.

Roll call on Senate Bill No. 216:

YEAS—41.

NAYS—Collins.

Senate Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 258 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 502.

Bill read third time.

Roll call on Senate Bill No. 502:

YEAS—42.

NAYS—None.

Senate Bill No. 502 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 551.
Bill read third time.
Roll call on Assembly Bill No. 551:
YEAS—40.
NAYS—Collins, Grady—2.
Assembly Bill No. 551 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

GENERAL FILE AND THIRD READING

Assembly Bill No. 552.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 552:
YEAS—42.
NAYS—None.
Assembly Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 200.
Bill read third time.
Roll call on Senate Bill No. 200:
YEAS—42.
NAYS—None.
Senate Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 233.
Bill read third time.
Roll call on Senate Bill No. 233:
YEAS—42.
NAYS—None.
Senate Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 49.
Bill read third time.
Roll call on Senate Bill No. 49:
YEAS—42.
NAYS—None.
Senate Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 51.
Bill read third time.

Roll call on Senate Bill No. 51:
YEAS—42.
NAYS—None.
Senate Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 446.
Bill read third time.
Roll call on Senate Bill No. 446:
YEAS—38.
NAYS—Collins, Gustavson, Perkins, Sherer—4.
Senate Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 498.
Bill read third time.
Roll call on Senate Bill No. 498:
YEAS—42.
NAYS—None.
Senate Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 501.
Bill read third time.
Roll call on Senate Bill No. 501:
YEAS—41.
NAYS—Gustavson.
Senate Bill No. 501 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 503.
Bill read third time.
Roll call on Senate Bill No. 503:
YEAS—36.
NAYS—Chowning, Collins, Giunchigliani, Goldwater, Koivisto, Leslie—6.
Senate Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Senate Bill No. 496 just returned from the printer, be declared an emergency measure under the Constitution and placed on the General File.
Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 496.

Bill read third time.

Roll call on Senate Bill No. 496:

YEAS—42.

NAYS—None.

Senate Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Senate Bill No. 400.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 922.

Amend sec. 6, page 2, by deleting lines 18 through 21 and inserting:

"Sec. 6. *"Telecommunication service" means the offering of telecommunication for a fee directly to the public, or such classes of users as to be effectively available directly to the public, regardless of the facilities used.*".

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. *1. Except as otherwise provided in subsection 2, each public utility which provides telecommunication services shall provide timely written notice to a customer of the duration of each call that is billed to the customer, reported in minutes, seconds or any fraction thereof, if the charges for the telecommunication services are calculated, in whole or in part, on the basis of the duration of the call.*

2. The provisions of this section do not apply to measured rate service that is regulated by the Commission.".

Amend sec. 8, page 2, line 27, by deleting "*2,*" and inserting: "*2 and NRS 704.68984,*".

Amend sec. 8, page 2, by deleting lines 31 through 41 and inserting:

"*2. The provisions of subsection 1 do not limit or modify the authority of the Commission to:*".

Amend sec. 8, page 2, line 42, by deleting "*(1) Considering*" and inserting "*(a) Consider*".

Amend sec. 8, page 3, by deleting lines 3 through 5 and inserting:

"*(b) Act on a complaint filed pursuant to NRS 703.310, if the complaint relates to a broadband service that is provided by a public utility;*".

Amend sec. 8, page 3, line 6, by deleting "*(3) Including*" and inserting "*(c) Include*".

Amend sec. 8, page 3, line 10, by deleting "*704.033.*" and inserting: "*704.033; or*

(d) Determine the rates, terms and conditions of intrastate special access services.".

Amend sec. 8, page 3, line 15, by deleting "*190*" and inserting "*200*".

Amend sec. 12, pages 9 and 10, by deleting lines 43 through 45 on page 9 and lines 1 through 5 on page 10.

Amend sec. 12, page 10, line 6, by deleting "*13.*" and inserting "*12.*".

Amend sec. 23, page 15, line 37, by deleting "*10-days'* "and inserting "*20-days'* ".

Amend sec. 23, page 16, line 42, by deleting "*10-days'* "and inserting "*20-days'* ".

Amend sec. 28, page 18, line 35, after "of" by inserting: "*section 8 of this act and*".

Amend sec. 28, page 18, line 40, by deleting "the" and inserting: "~~[the]~~ *:*

(a) The".

Amend sec. 28, page 18, line 44, by deleting "56-161." and inserting: "56-161 ~~[.]~~ *; or*

(b) The authority of the Commission to act pursuant to NRS 704.281 and 704.282.".

Amend the title of the bill, twelfth line, by deleting "service;" and inserting: "service under certain circumstances; requiring a consumer to be notified of the duration of a call under certain circumstances;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Assemblyman Goldwater moved that upon return from the printer Senate Bill No. 400 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Chief Clerk's desk.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 502, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA35, which is attached to and hereby made a part of this report.

DAVID GOLDWATER	RAYMOND C. SHAFFER
PEGGY PIERCE	RANDOLPH J. TOWNSEND
DAWN GIBBONS	MAGGIE CARLTON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA35.

Amend section 1, page 2, by deleting lines 26 through 29 and inserting:

"*2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:*".

Amend section 1, page 3, line 1, by deleting "*The*" and inserting: "*Except as otherwise provided in section 9 of Assembly Bill No. 320 of this session, the*".

Amend section 1, page 3, line 9, after "*3.*" by inserting: "*Particular medical treatment described in subsection 2 and provided to a policyholder or subscriber is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the policyholder or subscriber.*

4.".

Amend section 1, page 3, line 34, by deleting "4." and inserting "5.".

Amend section 1, page 3, line 41, by deleting "5." and inserting "6.".

Amend section 1, page 4, line 4, by deleting "6." and inserting "7.".

Amend section 1, page 4, line 9, by deleting "7." and inserting "8.".

Amend section 1, page 4, line 22, by deleting "8." and inserting "9.".

Amend sec. 4, page 6, by deleting lines 16 through 19 and inserting:

"*2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:*".

Amend sec. 4, page 6, line 34, by deleting "*The*" and inserting: "*Except as otherwise provided in section 13 of Assembly Bill No. 320 of this session, the*".

Amend sec. 4, page 6, line 42, after "*3.*" by inserting: "*Particular medical treatment described in subsection 2 and provided to a person insured under the group policy is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the group policy.*

4.".

Amend sec. 4, page 7, line 24, by deleting "4." and inserting "5.".

Amend sec. 4, page 7, line 31, by deleting "5." and inserting "6.".

Amend sec. 4, page 7, line 39, by deleting "6." and inserting "7.".

Amend sec. 4, page 8, line 1, by deleting "7." and inserting "8.".

Amend sec. 4, page 8, line 15, by deleting "8." and inserting "9.".

Amend sec. 6, page 10, by deleting lines 4 through 7 and inserting:

"*2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:*".

Amend sec. 6, page 10, line 22, by deleting "*The*" and inserting: "*Except as otherwise provided in section 24 of Assembly Bill No. 320 of this session, the*".

Amend sec. 6, page 10, line 31, after "*3.*" by inserting: "*Particular medical treatment described in subsection 2 and provided to a person insured under the policy is not required to be covered pursuant to this*

section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the policy.

4.".

Amend sec. 6, page 11, line 11, by deleting "4." and inserting "5.".

Amend sec. 6, page 11, line 18, by deleting "5." and inserting "6.".

Amend sec. 6, page 11, line 27, by deleting "6." and inserting "7.".

Amend sec. 6, page 11, line 32, by deleting "7." and inserting "8.".

Amend sec. 6, page 12, line 1, by deleting "8." and inserting "9.".

Amend sec. 8, page 13, by deleting lines 32 through 35 and inserting:

"*2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:*".

Amend sec. 8, page 14, line 5, by deleting "*The*" and inserting: "*Except as otherwise provided in section 27 of Assembly Bill No. 320 of this session, the*".

Amend sec. 8, page 14, line 15, after "*3.*" by inserting: "*Particular medical treatment described in subsection 2 and provided to an enrollee is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the enrollee.*

4.".

Amend sec. 8, page 14, line 40, by deleting "4." and inserting "5.".

Amend sec. 8, page 15, line 3, by deleting "5." and inserting "6.".

Amend sec. 8, page 15, line 11, by deleting "6." and inserting "7.".

Amend sec. 8, page 15, line 16, by deleting "7." and inserting "8.".

Amend sec. 8, page 15, line 30, by deleting "8." and inserting "9.".

Amend sec. 12, page 19, by deleting lines 16 through 19 and inserting:

"*2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:*".

Amend sec. 12, page 19, line 34, by deleting "*The*" and inserting: "*Except as otherwise provided in section 33 of Assembly Bill No. 320 of this session, the*".

Amend sec. 12, page 19, line 43, after "*3.*" by inserting: "*Particular medical treatment described in subsection 2 and provided to a person insured under the plan is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the plan.*

4.".

Amend sec. 12, page 20, line 24, by deleting "4." and inserting "5.".

Amend sec. 12, page 20, line 31, by deleting "5." and inserting "6.".

Amend sec. 12, page 20, line 39, by deleting "6." and inserting "7.".

Amend sec. 12, page 21, line 1, by deleting "7." and inserting "8.".

Amend sec. 12, page 21, line 15, by deleting "8." and inserting "9.".

Assemblyman Goldwater moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 502.

Remarks by Assemblyman Goldwater.

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

ASSEMBLYMAN GOLDWATER:

Mr. Speaker, thank you. First, the amendment clarifies the coverage for medical treatment required to be included in the policies of health insurance and health care plans contained in this bill. Second, the amendment exempts the policies and plans from requirements to cover particular medical treatment at the clinical trial or study if the sponsor of the clinical trial or study provides that medical treatment free of charge to the insured. Last, it allows an extension of the coverage period provided by the bill if a policy includes a defined set of providers of health care and the provider's contract with the insurer is terminated during the course of the treatment. Mr. Speaker, for the purposes of the Legislative record, the conference amendment to Assembly Bill 502 intended to include coverage of clinical trials and not to exclude any sort of health care coverage that might be associated with that clinical trial. It is a mandated coverage bill and in the Assembly and in the conference report our intent was to cover everything related to a clinical trial.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 359, consisting of the undersigned members, has met and reports that:

It had agreed that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA29, which is attached to and hereby made a part of this report.

GENIE OHRENSCHALL	ANN O'CONNELL
WENDELL P. WILLIAMS	DINA TITUS
VALERIE WEBER	WARREN B. HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA29.

Amend the bill as a whole by adding the following assemblywoman as a nonprimary joint sponsor: Assemblywoman Ohrenschall.

Assemblywoman Ohrenschall moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 359.

Remarks by Assemblywoman Ohrenschall.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 250, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA31, which is attached to and hereby made a part of this report.

WILLIAM HORNE	MARK E. AMODEI
JASON GEDDES	TERRY CARE
MARCUS CONKLIN	MIKE MCGINNESS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA31.

Amend sec. 7, page 8, line 3, by deleting: "*destruction or contamination*" and inserting: "*destruction, contamination or impairment*".

Amend sec. 26, page 16, line 10, by deleting "*instruction*" and inserting: "*instruction, within 2 years after initial licensure,*".

Amend sec. 26, page 16, between lines 25 and 26, by inserting: "*The Board may thereafter determine whether to establish regulations and standards requiring additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.*".

Amend sec. 28, page 18, line 23, by deleting "*instruction*" and inserting: "*instruction, within 2 years after initial licensure,*".

Amend sec. 28, page 18, between lines 38 and 39, by inserting: "*The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.*".

Amend sec. 29, page 19, line 14, by deleting "*instruction*" and inserting: "*instruction, within 2 years after initial licensure,*".

Amend sec. 29, page 19, between lines 28 and 29, by inserting: "*The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.*".

Amend sec. 30, page 20, line 12, by deleting "*instruction*" and inserting: "*instruction, to be completed within 2 years after initial licensure,*".

Amend sec. 30, page 20, between lines 27 and 28, by inserting: "*The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.*".

Amend the bill as a whole by deleting sec. 31 and adding a new section designated sec. 31, following sec. 30, to read as follows:

"Sec. 31. Each person who is:

1. Certified as an emergency medical technician pursuant to the provisions of chapter 450B of NRS;

2. Licensed as a physician assistant or licensed to practice medicine pursuant to the provisions of chapter 630 of NRS;

3. Licensed to practice dentistry or dental hygiene pursuant to the provisions of chapter 631 of NRS; or

4. Licensed as a nurse pursuant to the provisions of chapter 632 of NRS,

and who is not within the period of his initial licensure on October 1, 2003, shall complete a course of instruction, before September 30, 2005, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction as set forth in sections 26, 28, 29 and 30, respectively, of this act.".

Amend sec. 33, page 22, line 12, by deleting "31".

Amend sec. 33, page 22, line 14, by deleting: "26, 28, 29 and 30" and inserting: "26 and 28 to 31, inclusive,".

Amend the title of the bill, page 2, by deleting the tenth through twelfth lines and inserting: "terrorism; and providing".

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 250.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 518, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA30, which is attached to and hereby made a part of this report.

VONNE CHOWNING	TERRY CARE
JOHN C. CARPENTER	MARK E. AMODEI
JERRY D. CLABORN	DENNIS NOLAN
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA30.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 9 through 13 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. An operator of a limousine shall, beginning on July 1, 2003, and on July 1 of each year thereafter, pay to the Authority a fee of $100 for each limousine that the Authority has authorized the operator to operate.*

2. As used in this section, "limousine" includes:

(a) A livery limousine; and

(b) A traditional limousine.

Sec. 3. *1. It is unlawful for any person to advertise services for which a certificate of public convenience and necessity or a contract carrier's permit is required pursuant to NRS 706.011 to 706.791, inclusive, and sections 2 and 3 of this act, unless the person has been issued such a certificate or permit.*

2. If, after notice and a hearing, the Authority determines that a person has engaged in advertising in a manner that violates the provisions of this section, the Authority may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of NRS 706.011 to 706.791, inclusive, and sections 2 and 3 of this act, issue an order to the person to cease and desist the unlawful advertising and to:

(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or disconnect the paging services

to such a beeper, and to inform the provider of paging services that the request is made pursuant to this section.

3. If a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that he receives an order pursuant to subsection 2, the Authority may request the Commission to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 2 within 5 days after the date he receives an order pursuant to subsection 2, the Authority may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

4. If the provider of paging services receives a request from a person pursuant to subsection 2 or a request from the Authority pursuant to subsection 3, it shall:

(a) Disconnect the paging service to the person; or

(b) Switch the beeper number of the paging service provided to the person. If the provider of paging services elects to switch the number pursuant to paragraph (b), the provider shall not forward or offer to forward the paging calls from the previous number, or provide or offer to provide a recorded message that includes the new beeper number.

5. As used in this section:

(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "fully regulated carrier" with or without any limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and sections 2 and 3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 706.391 is hereby amended to read as follows:

706.391 1. Upon the filing of an application for a certificate of public convenience and necessity to operate as a *common* motor carrier , other than an operator of a tow car, *or an application for modification of such a certificate,* the Authority shall fix a time and place for *a* hearing ~~[thereon.]~~ *on the application.*

2. The Authority shall ~~[issue such a]~~ *grant the* certificate *or modification* if it finds that:

(a) The applicant is *financially and operationally* fit, willing and able to perform the services of a common motor carrier ~~[,]~~ *and that the operation of, and the provision of such services by, the applicant as a common motor carrier will foster sound economic conditions within the applicable industry;*

(b) The proposed operation *or the proposed modification* will be consistent with the legislative policies set forth in NRS 706.151;

(c) The granting of the certificate *or modification* will not unreasonably and adversely affect other carriers operating in the territory for which the certificate *or modification* is sought; ~~[and]~~

(d) The proposed ~~[service]~~ *operation or the proposed modification* will benefit *and protect the safety and convenience of* the traveling and shipping public and the motor carrier business in this state ~~[.]~~*;*

(e) The proposed operation, or service under the proposed modification, will be provided on a continuous basis;

(f) The market identified by the applicant as the market which the applicant intends to serve will support the proposed operation or proposed modification; and

(g) The applicant has paid all fees and costs related to the application.

3. The Authority shall not find that the potential creation of competition in a territory which may be caused by the granting of ~~[a certificate,]~~ *the certificate or modification,* by itself, will unreasonably and adversely affect other carriers operating in the territory for the purposes of paragraph (c) of subsection 2.

4. ~~[An]~~ *In determining whether the applicant is fit to perform the services of a common motor carrier pursuant to paragraph (a) of subsection 2, the Authority shall consider whether the applicant has violated any provision of this chapter or any regulations adopted pursuant thereto.*

5. The applicant for ~~[such a certificate has]~~ *the certificate or modification:*

(a) Has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 2 ~~[.~~

~~5.]~~*; and*

(b) Must pay the amounts billed to the applicant by the Authority for the costs incurred by the Authority in conducting any investigation regarding the applicant and the application.

6. The Authority may issue *or modify* a certificate of public convenience and necessity to operate as a common motor carrier, or issue *or modify* it for:

(a) The exercise of the privilege sought.

(b) The partial exercise of the privilege sought.

~~[6.]~~ *7.* The Authority may attach to the certificate such terms and conditions as, in its judgment, the public interest may require.

~~[7.]~~ *8.* The Authority may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice thereof, no petition to

intervene has been filed on behalf of any person who has filed a protest against the granting of the certificate ~~[.]~~*or modification.*

Sec. 6. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act,* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act,* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ *, and sections 2 and 3 of this act;*

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ *, and sections 2 and 3 of this act;*

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ *, and sections 2 and 3 of this act;*

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services, without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. ~~[A person convicted of a misdemeanor for a]~~ *Any person who, in* violation of the provisions of NRS 706.386 *, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity* or *any person who, in violation of the provisions of* 706.421 *, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and* shall be punished:

(a) For ~~[the]~~ *a* first offense ~~[,]~~ *within a period of 12 consecutive months,* by a fine of not less than $500 nor more than $1,000 . ~~[;]~~ *In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.*

(b) For a second offense within *a period of* 12 consecutive months and *for* each subsequent offense ~~[,]~~ *that is committed within a period of 12 consecutive months of any prior offense under this subsection,* by a fine of $1,000 . ~~[; or~~

~~(c) For any offense,]~~ *In addition to the fine, the person may be punished* by imprisonment in the county jail for not more than 6 months . ~~[, or by both the prescribed fine and imprisonment.]~~

3. Any person who *, in violation of the provisions of NRS 706.386,* operates or permits the operation of a vehicle in passenger service without *first obtaining* a certificate of public convenience and necessity ~~[issued pursuant to NRS 706.391]~~ is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of ~~[this subsection, he]~~ *any provision of subsection 2 or 3, the law enforcement officer* may cause the vehicle to be towed immediately from the scene ~~[.~~

~~4.]~~ *and impounded in accordance with NRS 706.476.*

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

~~[5.]~~ *6.* Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 7. NRS 417.145 is hereby amended to read as follows:

417.145 1. The Veterans' Home Account is hereby established in the State General Fund.

2. Money received by the Executive Director or the Deputy Executive Director from:

(a) Payments by the Department of Veterans Affairs for veterans who receive care in a veterans' home;

(b) Other payments for medical care and services;

(c) Appropriations made by the Legislature for veterans' homes; and

(d) Except as otherwise provided in subsection 7, gifts of money and proceeds derived from the sale of gifts of personal property he is authorized to accept for the use of veterans' homes, if the use of such gifts has not been

restricted by the donor, must be deposited with the State Treasurer for credit to the Veterans' Home Account.

3. Interest and income must not be computed on the money in the Veterans' Home Account.

4. The Veterans' Home Account must be administered by the Executive Director, with the advice of the Deputy Executive Director and the Nevada Veterans' Services Commission, and the money deposited in the Veterans' Home Account may only be expended for:

(a) The operation of veterans' homes;

(b) A program or service related to a veterans' home;

(c) The solicitation of other sources of money to fund a veterans' home; and

(d) The purpose of informing the public about issues concerning the establishment and uses of a veterans' home.

5. Except as otherwise provided in subsection 7, gifts of personal property which the Executive Director or the Deputy Executive Director is authorized to receive for the use of veterans' homes:

(a) May be sold or exchanged if the sale or exchange is approved by the State Board of Examiners; or

(b) May be used in kind if the gifts are not appropriate for conversion to money.

6. All money in the Veterans' Home Account must be paid out on claims approved by the Executive Director as other claims against the State are paid.

7. The Gift Account for Veterans' Homes is hereby established in the State General Fund. The Executive Director or the Deputy Executive Director shall use gifts of money or personal property that he is authorized to accept and which the donor has restricted to one or more uses at a veterans' home, only in the manner designated by the donor. Gifts of money that the Executive Director or Deputy Executive Director is authorized to accept and which the donor has restricted to one or more uses at a veterans' home must be deposited with the State Treasurer for credit to the Gift Account for Veterans' Homes. The interest and income earned on the money in the Gift Account for Veterans' Homes, after deducting any applicable charges, must be credited to the Gift Account for Veterans' Homes. Any money remaining in the Gift Account for Veterans' Homes at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.

8. The Executive Director shall, on or before August 1 of each year, prepare and submit to the Interim Finance Committee a report detailing the expenditures made from the Gift Account for Veterans' Homes that are attributable to the money deposited in that account pursuant to subsection 2 of NRS 482.3764.

Sec. 8. NRS 482.3764 is hereby amended to read as follows:

482.3764 1. Before the Department issues to any person, pursuant to NRS 482.3763:

(a) An initial set of special license plates, it shall:

(1) Collect a special fee for a veterans' home in the amount of $25; and

(2) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in NRS 482.37635.

(b) An annual renewal sticker, it shall:

(1) Collect a special fee for a veterans' home in the amount of $20; and

(2) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in NRS 482.37635.

2. The Department shall deposit ~~[any money]~~ *the first $100,000* collected pursuant to this section *each year* with the State Treasurer for credit to the ~~[Veterans' Home Account.]~~ *Gift Account for Veteran's Homes, established by subsection 7 of NRS 417.145. Thereafter, any additional amount collected pursuant to this section during the year must be deposited in the State General Fund.*".

Amend section 1, page 2, by deleting lines 12 through 15 and inserting:

"(a) Shall first publicly notice and then process, in the order in which it was received, each application for any new or modified certificate of public convenience and necessity that is received by the Authority before June 1, 2003.".

Amend sec. 3, page 3, line 37, by deleting "2" and inserting "10".

Amend sec. 3, page 4, line 11, by deleting "1" and inserting "9".

Amend sec. 3, page 4, line 13, by deleting "1" and inserting "9".

Amend sec. 5, page 4, by deleting line 22 and inserting:

"Sec. 13. 1. This section, sections 1 to 6, inclusive, and 9 to 12, inclusive, of this act become effective upon passage and approval.

2. Sections 7 and 8 of this act become effective on July 1, 2005.".

Amend the title of the bill to read as follows:

"AN ACT relating to transportation; imposing certain fees for the operation of livery and traditional limousines; prohibiting certain motor carriers from engaging in certain types of misleading advertising; providing for the impoundment of certain vehicles under certain circumstances; making various changes regarding the filing of certain applications; making various changes regarding the disposition of money paid for the special license plate for veterans; temporarily prohibiting the Transportation Services Authority from accepting certain applications relating to certificates of public convenience and necessity for the operation of limousines; temporarily prohibiting fully regulated carriers from increasing the number of limousines which they operate; directing the Legislative Commission to conduct a study of issues relating to the allocation of limousines; authorizing the Transportation Services Authority under certain circumstances to adopt regulations providing for a system of allocations for limousines; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to regulation of certain motor carriers, motor vehicles and limousines. (BDR S-1102)".

Assemblywoman Chowning moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 518.

Remarks by Assemblywomen Chowning and Buckley.

Motion carried by a two-thirds constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 231, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA21, which is attached to and hereby made a part of this report.

PEGGY PIERCE	DINA TITUS
SHEILA LESLIE	VALERIE WIENER
VALERIE WEBER	BARBARA CEGAVSKE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA21.

Amend sec. 9, page 4, by deleting lines 5 through 25 and inserting: "426.790 1. A person shall not ~~[willfully and maliciously:~~

~~(a) Interfere with;~~

~~(b) Harass or intimidate;~~

~~(c) Beat; or~~

~~(d) Kill, a guide dog, hearing dog, helping dog or other]~~ *:*

(a) Without legal justification, interfere with, or allow a dog he owns, harbors or controls to interfere with, the use of a service animal by obstructing, intimidating or otherwise jeopardizing the safety of the service animal or the person using the service animal.

(b) Willfully and maliciously beat a service animal.

(c) Willfully and maliciously kill a service animal.

2. ~~[Any]~~ *A* person who violates:

(a) Paragraph (a) of subsection 1 is guilty of a *gross* misdemeanor.

(b) Paragraph (b) of subsection 1 is guilty of a ~~[gross misdemeanor.]~~ *category E felony and shall be punished as provided in NRS 193.130.*

(c) Paragraph (c) of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~[(d) Paragraph (d) of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.]~~".

Amend the title of the bill, fourth line, after "service animals;" by inserting: "revising certain penalties relating to crimes against service animals;".

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 231.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 451, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

PEGGY PIERCE	SANDRA TIFFANY
	ANN O'CONNELL
VALERIE WEBER	
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 451.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 529, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA34, which is attached to and hereby made a part of this report.

MARCUS CONKLIN	SANDRA TIFFANY
BOB BEERS	
PEGGY PIERCE	WILLIAM J. RAGGIO
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA34.

Amend section 1, page 2, by deleting lines 7 through 37 and inserting: "*294A.220, 294A.270, 294A.280, 294A.360 and 294A.362.*

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party and group that is required to file a report described in subsection 1.".

Amend sec. 19, page 32, by deleting line 25 and inserting: "*entitled to receive annual compensation of $6,000 or more for serving in that office, he shall*".

Amend sec. 23, page 35, by deleting lines 6 through 10 and inserting: "~~3, if a~~] *Each* candidate for public office ~~[or a public officer is]~~ *who will be* entitled to receive *annual* compensation *of $6,000 or more* for serving in the office ~~[in question,]~~ *that* he *is seeking and each public officer who was elected to the office for which he is serving* shall file with the ~~[Commission and with~~".

Amend sec. 26, page 36, by deleting lines 32 and 33 and inserting: "*that a* candidate for public office or public officer ~~[who]~~ *willfully fails to file his statement of financial disclosure or willfully* fails to file his statement of financial disclosure in a timely manner".

Amend sec. 26, page 36, line 39, after "*who*" and inserting: "*willfully fails to file his statement of financial disclosure or willfully*".

Amend sec. 26, page 36, lines 41 and 42, by deleting: "*of not more than $5,000 for each violation*".

Amend sec. 26, page 37, by deleting lines 6 through 14 and inserting:

"(a) If the statement is filed not more than ~~[7 days late, $25 for each day the statement is late.]~~ *10 days after the applicable deadline set forth in subsection 1 of NRS 281.561 or subsection 1 of section 19 of this act, $25.*

(b) If the statement is filed more than ~~[7 days late]~~ *10 days* but not more than ~~[15 days late, $175 for the first 7 days, plus $50 for each additional day the statement is late.]~~ *20 days after the applicable deadline set forth in subsection 1 of NRS 281.561 or subsection 1 of section 19 of this act, $50.*

(c) If the statement is filed more than ~~[15 days late, $575 for the first 15 days, plus $100 for each additional day the statement is late.~~

~~2. The Commission may, for]~~ *20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.561 or subsection 1 of section 19 of this act, $100.*

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.561 or subsection 1 of section 19 of this act, $250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.561 or subsection 1 of section 19 of this act, $2,000.".

Amend sec. 26, page 37, between lines 33 and 34, by inserting:

"*5. As used in this section, "willfully" means deliberately, intentionally and knowingly.*".

Amend the bill as a whole by adding a new section designated sec. 27.5, following sec. 27, to read as follows:

"Sec. 27.5. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a form designed or revised by the Secretary of State pursuant to section 1 of this act to a person, committee, political party or group that is required to use the form.".

Amend the title of the bill by deleting the first line and inserting:

"AN ACT relating to elections; restricting the information that may be requested in the".

Amend the summary of the bill to read as follows:

"SUMMARY— Makes various changes concerning reporting of campaign contributions and expenditures and certain other financial information. (BDR 24-558)".

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 529.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 46, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

CHRIS GIUNCHIGLIANI	RAYMOND D. RAWSON
SHEILA LESLIE	DEAN A. RHOADS
LYNN HETTRICK	BOB COFFIN
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 46.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 336, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA23, which is attached to and hereby made a part of this report.

ELLEN KOIVISTO	DEAN A. RHOADS
	MIKE MCGINNESS
TOM GRADY	MICHAEL SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA23.

Amend the bill as a whole by renumbering sections 5 through 7 as sections 17 through 19 and adding new sections designated sections 5 through 16, following sec. 4, to read as follows:

"Sec. 5. NRS 349.983 is hereby amended to read as follows:

349.983 1. Grants may be made pursuant to paragraph (a) of subsection 1 of NRS 349.981 only for *the Lincoln Valley Water District and* those community and nontransient water systems that:

(a) Were in existence on January 1, 1995; and

(b) Are currently publicly owned.

2. In making its determination of which purveyors of water are to receive grants pursuant to paragraph (a) of subsection 1 of NRS 349.981, the Board shall give preference to those purveyors of water whose public water systems regularly serve fewer than 6,000 persons.

3. Each recipient of a grant pursuant to paragraph (a) of subsection 1 of NRS 349.981 shall provide an amount of money for the same purpose. The Board shall develop a scale to be used to determine that amount, but the recipient must not be required to provide an amount less than 15 percent or more than 75 percent of the amount of the grant. The scale must be based upon the average household income of the customers of the recipient, and provide adjustments for the demonstrated economic hardship of those customers, the existence of an imminent risk to public health and any other factor that the Board determines to be relevant.

Sec. 6. As used in sections 6 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7, 8 and 9 of this act have the meanings ascribed to them in those sections.

Sec. 7. "Board" means the Governing Board of the District.

Sec. 8. "District" means the Lincoln County Water District created by section 10 of this act.

Sec. 9. "Service area" means the service area of the District described in section 10 of this act.

Sec. 10. There is hereby created a political subdivision of this state to be known as the "Lincoln County Water District." The jurisdiction and service area of the District are all that real property within the boundaries of Lincoln County, Nevada, as described in NRS 243.210, 243.215 and 243.220.

Sec. 11. The District has the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of the District in all courts or tribunals of competent jurisdiction.

3. To adopt a seal and alter it at the pleasure of the District.

4. To enter into contracts, and employ and fix the compensation of staff and professional advisers.

5. To incur indebtedness pursuant to chapter 271 of NRS, issue bonds pursuant to chapter 350 of NRS and provide for medium-term obligations pursuant to chapter 350 of NRS to pay, in whole or in part, the costs of acquiring, constructing and operating any lands, easements, water rights, water, waterworks or projects, conduits, pipelines, wells, reservoirs, structures, machinery and other property or equipment useful or necessary to store, convey, supply or otherwise deal with water, and otherwise to carry out the powers set forth in this section. For the purposes of NRS 350.572, sections 6 to 16, inclusive, of this act do not expressly or impliedly require an election before the issuance of a security or indebtedness pursuant to NRS 350.500 to 350.720, inclusive, if the obligation is payable solely from pledged revenues, but an election must be held before incurring a general obligation.

6. To acquire, by purchase, grant, gift, devise, lease, construction, contract or otherwise, lands, rights-of-way, easements, privileges, water and water rights, and property of every kind, whether real or personal, to construct, maintain and operate, within or without the District, any and all works and improvements necessary or proper to carry out any of the objects or purposes of sections 6 to 16, inclusive, of this act, and to complete, extend, add to, repair or otherwise improve any works, improvements or property acquired by it as authorized by sections 6 to 16, inclusive, of this act.

7. To sell, lease, encumber, hypothecate or otherwise dispose of property, whether real or personal, including, without limitation, water and water rights, as is necessary or convenient to the full exercise of the powers of the District.

8. To adopt ordinances, rules, regulations and bylaws necessary for the exercise of the powers and conduct of the affairs of the Board and District.

9. Except as otherwise provided in this subsection, to exercise the power of eminent domain in the manner prescribed by law, within or without the service area, to take any property, including, without limitation, the property specified in subsections 6 and 15, necessary or convenient for the exercise of the powers of the District or for the provision of adequate water service to the service area. The District shall not exercise the power of eminent domain to acquire the water rights or waterworks facilities of any nonprofit purveyor delivering water for domestic use whose service area is adjacent to the District without first obtaining the consent of the purveyor.

10. To enter upon any land, to make surveys and locate any necessary improvements, including, without limitation, lines for channels, conduits, canals, pipelines, roadways and other rights-of-way, to acquire property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of such improvements, including, without limitation, works constructed and being constructed by private owners, lands for reservoirs for the storage of necessary water, and all necessary appurtenances, and, where necessary and for the purposes and uses set forth in this section, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions or other rights.

11. To enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county or district of any kind, public or private corporation, association, firm or natural person, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which may be lawfully acquired or owned by the District.

12. To acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the District, and to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the District, or to carry such water through any tunnel, canal, ditch or conduit of the District.

13. To enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or natural person, or any number of them, for the transfer or delivery to any district, corporation, association, firm or natural person of any water right or water pumped, stored, appropriated or otherwise acquired or secured for the use of the District, or for the purpose of exchanging the water or water right for any other water, water right or water supply to be delivered to the District by the other party to the agreement.

14. To cooperate and act in conjunction with the State of Nevada or any of its engineers, officers, boards, commissions, departments or agencies, with the Government of the United States or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private

corporation, to construct any work for the development, importation or distribution of water of the District, for the protection of life or property therein, or for the conservation of its water for beneficial use within the District, or to carry out any other works, acts or purposes provided for in sections 6 to 16, inclusive, of this act, and to adopt and carry out any definite plan or system of work for any of the purposes described in sections 6 to 16, inclusive, of this act.

15. To store water in surface or underground reservoirs within or without the District for the common benefit of the District, to conserve and reclaim water for present and future use within the District, to appropriate and acquire water and water rights and import water into the District for any useful purpose to the District, and to commence, maintain, intervene in and compromise in the name of the District, or otherwise, and assume the costs and expenses of any action or proceeding involving or affecting:

(a) The ownership or use of water or water rights within or without the District used or useful for any purpose of the District or of common benefit to any land situated therein;

(b) The wasteful use of water within the District;

(c) The interference with or diminution of water or water rights within the District;

(d) The contamination or pollution of the surface or subsurface water used in the District or any other act that otherwise renders such water unfit for beneficial use; and

(e) The interference with this water that may endanger or damage the residents, lands or use of water in the District.

16. To sell and distribute water under the control of the District, without preference, to any natural person, firm, corporation, association, district, agency or inhabitant, public or private, for use within the service area, to fix, establish and adjust rates, classes of rates, terms and conditions for the sale and use of such water, and to sell water for use outside the service area upon a finding by the Board that there is a surplus of water above that amount required to serve customers within the service area.

17. To cause taxes to be levied and collected for the purposes prescribed in sections 6 to 16, inclusive, of this act, including, without limitation, the payment of any obligation of the District during its organizational state and thereafter, and necessary engineering costs, and to assist in the operational expenses of the District, until such taxes are no longer required.

18. To supplement the surface and ground-water resources of Lincoln County by the importation and use of water from other sources for industrial, irrigation, municipal and domestic uses.

19. To restrict the use of water of the District during any emergency caused by drought or other threatened or existing water shortage, and to prohibit the waste of water of the District at any time through the adoption of ordinances, rules or regulations and the imposition of fines for violations of those ordinances, rules and regulations.

20. To supply water under contract or agreement, or in any other manner, to the United States or any department or agency thereof, the State of Nevada, Lincoln County, Nevada, and any city, town, corporation, association, partnership or natural person situated in Lincoln County, Nevada, for an appropriate charge, consideration or exchange made therefor, when such supply is available or can be developed as an incident of or in connection with the primary functions and operations of the District.

21. To create assessment districts to extend mains, improve distribution systems and acquire presently operating private water companies and mutual water distribution systems.

22. To accept from the Government of the United States or any of its agencies financial assistance or participation in the form of grants-in-aid or any other form in connection with any of the functions of the District.

23. To do all acts and things reasonably implied from and necessary for the full exercise of all powers of the District granted by sections 6 to 16, inclusive, of this act.

Sec. 12. 1. All powers, duties and privileges of the District must be exercised and performed by the Board.

2. The Board must be composed of the members of the Board of County Commissioners of Lincoln County.

Sec. 13. 1. The Board shall:

(a) Choose one of its members to be Chairman, and prescribe the term of that office and the powers and duties thereof.

(b) Fix the time and place at which its regular meetings will be held and provide for the calling and conduct of special meetings.

(c) Fix the location of the principal place of business of the District.

(d) Elect a Secretary-Treasurer of the Board and the District, who may or may not be a member of the Board.

(e) Appoint a General Manager who must not be a member of the Board.

(f) Delegate and redelegate to officers of the District the power to employ necessary executives, clerical workers, engineering assistants and laborers, and retain legal, accounting or engineering services, subject to such conditions and restrictions as may be imposed by the Board.

(g) Prescribe the powers, duties, compensation and benefits of all officers and employees of the District, and require all bonds necessary to protect the money and property of the District.

(h) Take all actions and do all things reasonably and lawfully necessary to conduct the business of the District and achieve the purposes of sections 6 to 16, inclusive, of this act.

2. A simple majority of the members of the Board constitutes a quorum. The vote of a simple majority of the quorum is required to take action.

3. Members of the Board are entitled to receive a salary of not more than $80 per day and reasonable per diem and travel expenses, as set by the Board, for their attendance at meetings and conduct of other business of the District.

Sec. 14. 1. The Board may levy and collect general ad valorem taxes on all taxable property within the District, but only for the payment of principal and interest on its general obligations. Such a levy and collection must be made in conjunction with Lincoln County in the manner prescribed in this section.

2. The Board shall determine the amount of money necessary to be raised by taxation for a particular year in addition to other sources of revenue of the District. The Board then shall fix a rate of levy which, when applied to the assessed valuation of all taxable property within the District, will produce an amount, when combined with other revenues of the District, sufficient to pay, when due, all principal of and interest on general obligations of the District and any defaults or deficiencies relating thereto.

3. In accordance with and in the same manner required by the law applicable to incorporated cities, the Board shall certify the rate of levy fixed pursuant to subsection 2 for levy upon all taxable property in the District in accordance with such rate at the time and in the manner required by law for levying of taxes for county purposes.

4. The proper officer or authority of Lincoln County, upon behalf of the District, shall levy and collect the tax for the District specified in subsection 3. Such a tax must be collected in the same manner, including, without limitation, interest and penalties, as other taxes collected by the County. When collected, the tax must be paid to the District in monthly installments for deposit in the appropriate depository of the District.

5. If the taxes levied are not paid, the property subject to the tax lien must be sold and the proceeds of the sale paid to the District in accordance with the law applicable to tax sales and redemptions.

Sec. 15. The District is exempt from regulation by the Public Utilities Commission of Nevada.

Sec. 16. If any provision of sections 6 to 16, inclusive, of this act or the application thereof to any person, thing or circumstance is held invalid, such invalidity does not affect the provisions or application of sections 6 to 16, inclusive, of this act that can be given effect without the invalid provision or application, and to this end the provisions of sections 6 to 16, inclusive, of this act are declared to be severable.”.

Amend sec. 7, page 8, by deleting lines 38 and 39 and inserting:

“Sec. 19. 1. This section and sections 5 to 16, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, 17 and 18 of this act become effective on July 1, 2003.

3. Section 17 of this act expires by limitation on June 30, 2005.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, Adequate and efficient water service is vital to the economic development and well-being of the residents of Lincoln County; and

WHEREAS, Inhabited areas of Lincoln County are remote from any established water system, thus dictating that indispensable activities such as water service be administered by a governmental entity created for the residents of Lincoln County; and

WHEREAS, Lincoln County could best be served water through a single governmental entity; now, therefore,".

Amend the title of the bill, seventh line, after "reports;" by inserting: "creating the Lincoln County Water District; setting forth the powers of the District and the form and method of governance of the District;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to water rights and creates Lincoln County Water District. (BDR 48-848)".

Assemblywoman Koivisto moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 336.

Remarks by Assemblymen Koivisto, Geddes, Sherer, Pierce, McCleary, Mortenson, Leslie, Grady, Goldwater, Koivisto, Collins, Buckley, Williams, Giunchigliani, and Goicoechea.

Assemblywoman Pierce requested a roll call vote on the adoption of the report of the first Conference Committee concerning Senate Bill No. 336.

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

Assembly in recess at 6:49 p.m.

ASSEMBLY IN SESSION

At 6:51 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Pierce withdrew her motion for a roll call vote on the adoption of the report of the first Conference Committee concerning Senate Bill No. 336.

Motion carried by a constitutional majority by a division of the House.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 504, 505, 506; Assembly Bills Nos. 240, 284.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bills Nos. 143, 147, 319.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 962 to Senate Concurrent Resolution No. 13.

MARY JO MONGELLI

Assistant Secretary of the Senate

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 143, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

KELVIN ATKINSON	RANDOLPH J. TOWNSEND
BOB MCCLEARY	SANDRA TIFFANY
TOM GRADY	DINA TITUS
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Atkinson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 143.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 147, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA33, which is attached to and hereby made a part of this report.

BERNIE ANDERSON	RANDOLPH J. TOWNSEND
BOB MCCLEARY	WILLIAM J. RAGGIO
BOB BEERS	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA33.

Amend sec. 1.7, page 2, line 36, by deleting "*March 31*" and inserting "*January 15*".

Amend the bill as a whole by deleting sec. 2.5 and adding:

"Sec. 2.5. (Deleted by amendment.)".

Amend sec. 3, page 4, lines 9 and 10, by deleting: "281.511 . ~~[, 294A.345 or 294A.346.]~~" and inserting: "281.511, 294A.345 or 294A.346.".

Amend the bill as a whole by deleting sec. 3.3 and adding:

"Sec. 3.3. (Deleted by amendment.)".

Amend sec. 4, page 7, by deleting lines 8 and 9 and inserting:

"6. Except as otherwise provided in this subsection, upon such a petition, the court shall enter an order directing the".

Amend sec. 4, page 7, lines 14 through 19, by deleting the brackets and strike-through.

Amend the bill as a whole by deleting sec. 7.5 and adding:

"Sec. 7.5. (Deleted by amendment.)".

Amend sec. 8, page 16, lines 25 through 32, by deleting the brackets and strike-through.

Amend sec. 8, page 17, line 3, by deleting "~~[6.]~~ *5.*" and inserting "6.".

Amend sec. 8, page 17, line 15, by deleting "~~[7.]~~ *6.*" and inserting "7.".

Amend sec. 8, page 17, line 20, by deleting "~~[8.]~~ *7.*" and inserting "8.".

Amend sec. 8, page 17, by deleting lines 29 and 30 and inserting:

"9. The imposition of a civil penalty pursuant to subsections 1 to 4, inclusive, is a final".

Amend sec. 8, page 17, line 32, by deleting "~~[10. In~~" and inserting "10. ~~[In~~".

Amend sec. 8, page 18, line 7, by deleting "*9.*".

Amend sec. 8.7, page 18, line 43, by deleting "March 31" and inserting: "~~[March 31]~~ *January 15*".

Amend the bill as a whole by deleting sec. 11.5 and adding:

"Sec. 11.5. (Deleted by amendment.)".

Amend sec. 12, page 21, by deleting lines 25 and 26 and inserting:

"Sec. 12. NRS 281.437 and 281.525 are hereby repealed.".

Amend the bill as a whole by deleting the leadlines of repealed sections and adding the text of repealed sections, to read as follows:

"

TEXT OF REPEALED SECTIONS

281.437 "Vexatious" defined. "Vexatious" means lacking justification and intended to harass.

281.525 Use of false or misleading statement regarding opinion of Commission; penalty.

1. It is unlawful for any person to make, use, publish or disseminate any statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce the Commission to render an opinion or to take any action related to the rendering of an opinion.

2. Any person who knowingly violates the provisions of subsection 1 is guilty of a misdemeanor.

3. The Commission shall inform the Attorney General or the district attorney of any case involving a violation of subsection 1.".

Amend the title of the bill by deleting the twentieth through twenty-third lines on page 1 and the first through fourth lines on page 2, and inserting: "thereto; and providing other matters properly relating thereto.".

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 147.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 319, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA27, which is attached to and hereby made a part of this report.

SHEILA LESLIE	WARREN B. HARDY
DAVID GOLDWATER	ANN O'CONNELL
DAWN GIBBONS	MICHAEL SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA27.

Amend the bill as a whole by deleting section 1 and adding:

"Section 1. (Deleted by amendment.)".

Amend sec. 1.5, page 2, line 15, by deleting "11," and inserting "15,".

Amend sec. 2, page 2, line 17, by deleting "*11,*" and inserting "*15,*".

Amend sec. 5, page 2, line 33, after "*policy;*" by inserting "*or*".

Amend sec. 5, page 2, line 34, by deleting "*policy; or*" and inserting "*policy.*".

Amend sec. 5, page 2, by deleting lines 35 and 36.

Amend sec. 9, page 3, line 10, by deleting "*11,*" and inserting "*15,*".

Amend sec. 10, page 3, by deleting lines 32 and 33 and inserting: "*unless the insurer does any one of the following:*

(a) Treats the applicant or policyholder as otherwise approved by the Commissioner, after the insurer presents to the Commissioner information indicating that such an absence or inability relates to the risk for the insurer.

(b) Treats the applicant or policyholder as if the applicant or policyholder had neutral credit information, as defined by the insurer.

(c) Excludes the use of credit information as a factor, and uses only underwriting criteria other than credit information.".

Amend sec. 10, page 3, line 36, after "*a*" by inserting "*consumer*".

Amend sec. 10, page 3, line 42, after "*months.*" by inserting: "*At the time of the annual renewal of a policyholder's policy, the insurer shall, upon the request of the policyholder or the policyholder's agent, reunderwrite and rerate the policy based upon a current consumer credit report or insurance score. An insurer need not, at the request of a policyholder or the policyholder's agent, recalculate the insurance score of or obtain an updated consumer credit report of the policyholder more frequently than once in any 12-month period. An insurer may, at its discretion, obtain an updated consumer credit report regarding a policyholder more frequently than once every 36 months, if to do so is consistent with the underwriting guidelines of the insurer.*".

Amend sec. 10, page 3, line 44, by deleting "*if:*" and inserting: "*if any one of the following applies:*".

Amend sec. 10, page 4, line 4, after "*insurer.*" by inserting: "*With respect to such a policyholder, the insurer may elect to obtain an updated consumer credit report if to do so is consistent with the underwriting guidelines of the insurer.*".

Amend sec. 10, page 4, line 6, after "*written.*" by inserting: "*The fact that credit information was not used initially does not preclude an insurer from using such information subsequently when underwriting or rating such a policyholder upon renewal, if to do so is consistent with the underwriting guidelines of the insurer.*".

Amend sec. 10, page 4, by deleting lines 28 through 30.

Amend the bill as a whole by deleting sec. 11, renumbering sections 12 through 20 as sections 16 through 24 and adding new sections designated sections 11 through 15, following sec. 10, to read as follows:

"Sec. 11. *If it is determined pursuant to the dispute resolution process set forth in section 611(a) of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681i(a), that the credit information of a policyholder was incorrect or incomplete and if the insurer receives notice of such determination from either the consumer reporting agency or from the policyholder, the insurer shall reunderwrite and rerate the policyholder within 30 days of receiving the notice. After reunderwriting or rerating the insured, the insurer shall make any adjustments necessary, consistent with its underwriting and rating guidelines. If an insurer determines that the policyholder has overpaid a premium, the insurer shall refund to the policyholder the amount of overpayment calculated back to the shorter of either the last 12 months of coverage or the actual period of the policy.*

Sec. 12. *1. If an insurer uses credit information in underwriting or rating an applicant, the insurer or its agent shall disclose, either on the application for the policy or at the time the application is taken, that the insurer may obtain credit information in connection with the application. The disclosure must be written or provided to an applicant in the same medium as the application. The insurer need not provide the disclosure required pursuant to this section to a policyholder upon renewal of a policy if the policyholder was previously provided the disclosure in connection with the policy.*

2. An insurer may comply with the requirements of this section by providing the following statement:

In connection with this application for insurance, we may review your credit report or obtain or use a credit-based insurance score based on the information contained in that credit report. We may use a third party in connection with the development of your insurance score.

Sec. 13. *If an insurer takes an adverse action based upon credit information, the insurer shall:*

1. Provide notice to the applicant or policyholder that an adverse action has been taken, in accordance with the requirements of section 615(a) of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681m(a).

2. Provide notice to the applicant or policyholder explaining the reasons for the adverse action. The reasons must be provided in sufficiently clear and specific language so that a person can identify the basis for the insurer's decision to take the adverse action. The notice must include a description of not more than four factors that were the primary influences of the adverse action. The use of generalized terms such as "poor credit history," "poor credit rating" or "poor insurance score" does not meet the requirements of this subsection. Standardized explanations provided by consumer reporting agencies are deemed to comply with this section.

Sec. 14. *1. An insurer shall indemnify, defend and hold harmless an agent of the insurer from and against all liability, fees and costs arising out of or relating to the actions, errors or omissions of the agent with regard to obtaining or using credit information or insurance scores for the insurer, if the agent follows the instructions of or procedures established by the insurer and complies with any applicable law or regulation.*

2. This section does not provide, expand, limit or prohibit any cause of action an applicant or policyholder may have against an agent of an insurer.

Sec. 15. *1. A consumer reporting agency shall not provide or sell data or lists that include any information that in whole or in part was submitted in conjunction with:*

(a) An inquiry by or for an insurer about the credit information of an applicant or policyholder; or

(b) A request for a credit report or insurance score.

2. The information described in subsection 1 includes, without limitation:

(a) The expiration date of a policy or any other information that may identify time periods during which a policy of an applicant or policyholder may expire; and

(b) The terms and conditions of the coverage provided by a policy of an applicant or policyholder.

3. The restriction set forth in subsection 1 does not apply to data or lists the consumer reporting agency supplies to the insurer, or an agent or affiliate of the insurer, from whom the information was received.

4. The provisions of this section do not restrict any insurer from being able to obtain a report regarding a motor vehicle or a report of a history of claims.".

Amend sec. 18, page 9, line 25, by deleting: "*as determined by*" and inserting: "*at the discretion of*".

Amend sec. 19, page 11, line 33, by deleting: "*as determined by*" and inserting: "*at the discretion of*".

Amend the bill as a whole by adding new sections designated sections 25 and 26, following sec. 20, to read as follows:

"Sec. 25. 1. On or before December 31, 2004, the Commissioner of Insurance shall prepare a report and submit the report to the Governor and the Legislature. The report must address:

(a) The operation of sections 2 to 15, inclusive, of this act;

(b) The efficacy, necessity and desirability of using credit information in making decisions related to insurance;

(c) The impacts upon the residents of Nevada of the continued use of credit information in making decisions related to insurance; and

(d) Any additional consumer protections identified by the Commissioner for the consideration of the Legislature.

2. As used in this section, "credit information" has the meaning ascribed to it in section 7 of this act.

Sec. 26. 1. This section and sections 1 and 16 to 25, inclusive, of this act become effective on October 1, 2003.

2. Sections 1.5 to 15, inclusive, of this act become effective on July 1, 2004.".

Amend the title of the bill to read as follows:

"AN ACT relating to insurance; restricting the use by an insurer of information included in the consumer credit report of an applicant or policyholder as a basis for making certain determinations and taking certain actions regarding policies of insurance, and providing for related procedures, duties, restrictions and exceptions; revising the membership of certain boards; providing that any refund of an assessment by the Division of Industrial Relations of the Department of Business and Industry must include payment for interest earned; providing that hearing officers and appeals officers shall designate the location of certain hearings; requiring the Commissioner of Insurance to conduct a study relating to the Investments of Insurers Model Act adopted by the National Association of Insurance Commissioners; requiring the Commissioner to prepare and submit to the Governor and the Legislature a report concerning certain matters relating to the use of credit information in making decisions related to insurance; and providing other matters properly relating thereto.".

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 319.

Remarks by Assemblymen Leslie and Goldwater.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 533.

The following Senate amendment was read:

Amendment No. 963.

Amend sec. 19, page 19, by deleting lines 11 through 24 and inserting:

"(b) To cause such list and valuations to be published once on or before January 1 of the fiscal year in which assessment is made in a newspaper of general circulation in the county.

In addition to complying with paragraph (a) or (b), the list and valuations may also be posted in a public area of the public libraries and branch libraries located in the county, in a public area of the county courthouse and the county office building in which the county assessor's office is located, and on a website or other Internet site that is operated or administered by or on behalf of the county or county assessor.".

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 533.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 504.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 505.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 506.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 30, 32, 40, 132, 155, 257, 353, 355, 392, 498, 519, 521 and 549; Senate Bills Nos. 221, 352, 464, and 500.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Nacey M. Saitta.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Dickman and Jill Dickman.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Olson.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Vertner.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, June 2, 2003, at 10:00 a.m.

Motion carried.

Assembly adjourned at 7:06 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 2, 2003

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

In his Inaugural Address, President Kennedy said, "Let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must be truly our own." Now, Lord, this has been our work for the last few months. May we remember that it is really Yours, and may we have Your blessing and help to finish what has begun. In the Name of the One who will see us through.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 250, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Concurrent Resolution No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 243, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bill No. 482; Senate Bills Nos. 210, 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 284, Amendment No. 730, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 32.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 482.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 984.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

"Section 1. The Legislature hereby finds and declares that:

1. Federal law concerning payments made pursuant to 42 U.S.C. § 1396r-4, otherwise known as "disproportionate share payments," are a critical source of income for hospitals, particularly public hospitals.

2. To ensure that certain hospitals can depend upon the revenue from this source, the Legislature has periodically established base payments to the hospitals in a fiscal year.

3. Because of the unique geographic, financial and organizational characteristics of these hospitals, a general law establishing base disproportionate share payments cannot be made applicable.

Sec. 2. NRS 422.380 is hereby amended to read as follows:

422.380 As used in NRS 422.380 to 422.390, inclusive, unless the context otherwise requires:

1. *"Disproportionate share payment" means a payment made pursuant to 42 U.S.C. § 1396r-4.*

2. "Hospital" has the meaning ascribed to it in NRS 439B.110 and includes public and private hospitals.

~~[2.]~~ *3.* "Public hospital" means:

(a) A hospital owned by a state or local government, including, without limitation, a hospital district; or

(b) A hospital that is supported in whole or in part by tax revenue, other than tax revenue received for medical care which is provided to Medicaid patients, indigent patients or other low-income patients.

Sec. 3. NRS 422.382 is hereby amended to read as follows:

422.382 1. In a county *whose population is 100,000 or more* within which:

(a) A public hospital is located, the state or local government or other entity responsible for the public hospital shall transfer an amount equal to ~~[75]~~ *:*

(1) Seventy percent of the total amount *of disproportionate share payments* distributed to ~~[that hospital]~~ *all hospitals* pursuant to NRS 422.387 for a fiscal year, less ~~[$75,000,]~~ *$1,050,000; or*

(2) Sixty-eight and fifty-four one hundredths percent of the total amount of disproportionate share payments distributed to all hospitals pursuant to NRS 422.387 for a fiscal year, whichever is less, to the Division of Health Care Financing and Policy.

(b) A private hospital which receives a *disproportionate share* payment pursuant to ~~[:~~

~~(1) Paragraph (b)]~~ *paragraph (c)* of subsection 2 of NRS 422.387 is located, the county shall transfer ~~[:~~

~~(I) Except as otherwise provided in sub-subparagraph (II), an amount equal to 75 percent of the total amount distributed to that hospital pursuant to paragraph (b) of subsection 2 of NRS 422.387 for a fiscal year; or~~

~~(II) An amount established by the Legislature for a fiscal year,]~~ *1.95 percent of the total amount of disproportionate share payments distributed to all hospitals pursuant to NRS 422.387 for a fiscal year, but not more than $1,500,000,* to the Division of Health Care Financing and Policy.

~~[(2) Paragraph (c) of subsection 2 of NRS 422.387 is located, the county shall transfer:~~

~~(I) An amount equal to 75 percent of the total amount distributed to that hospital pursuant to that paragraph for a fiscal year, less $75,000; or~~

~~(II) Any maximum amount established by the Legislature for a fiscal year, whichever is less, to the Division of Health Care Financing and Policy.]~~

2. A county that transfers the amount required pursuant to ~~[subparagraph (1) of]~~ paragraph (b) of subsection 1 to the Division of Health Care Financing and Policy is discharged of the duty and is released from liability for providing medical treatment for indigent inpatients who are treated in the hospital in the county that receives a payment pursuant to paragraph ~~[(b)]~~ *(c)* of subsection 2 of NRS 422.387.

3. The money transferred to the Division of Health Care Financing and Policy pursuant to subsection 1 must not come from any source of funding that could result in any reduction in revenue to the State pursuant to 42 U.S.C. § 1396b(w).

4. Any money collected pursuant to subsection 1, including any interest or penalties imposed for a delinquent payment, must be deposited in the State

Treasury for credit to the Intergovernmental Transfer Account in the State General Fund to be administered by the Division of Health Care Financing and Policy.

5. The interest and income earned on money in the Intergovernmental Transfer Account, after deducting any applicable charges, must be credited to the Account.

Sec. 4. NRS 422.385 is hereby amended to read as follows:

422.385 1. The allocations and payments required pursuant to subsections 1 ~~[and 2]~~ *to 5, inclusive,* of NRS 422.387 must be made, to the extent allowed by the State Plan for Medicaid, from the Medicaid Budget Account.

2. Except as otherwise provided in subsection 3 and subsection ~~[3]~~ *6* of NRS 422.387, the money in the Intergovernmental Transfer Account must be transferred from that Account to the Medicaid Budget Account to the extent that money is available from the Federal Government for proposed expenditures, including expenditures for administrative costs. If the amount in the Account exceeds the amount authorized for expenditure by the Division of Health Care Financing and Policy for the purposes specified in NRS 422.387, the Division of Health Care Financing and Policy is authorized to expend the additional revenue in accordance with the provisions of the State Plan for Medicaid.

3. If enough money is available to support Medicaid and to make the payments required by subsection ~~[3]~~ *6* of NRS 422.387, money in the Intergovernmental Transfer Account may be transferred:

(a) To an account established for the provision of health care services to uninsured children pursuant to a federal program in which at least 50 percent of the cost of such services is paid for by the Federal Government, including, without limitation, the Children's Health Insurance Program; or

(b) To carry out the provisions of NRS 439B.350 and 439B.360.

Sec. 5. NRS 422.387 is hereby amended to read as follows:

422.387 1. Before making the payments required or authorized by this section, the Division of Health Care Financing and Policy shall allocate money for the administrative costs necessary to carry out the provisions of NRS 422.380 to 422.390, inclusive. The amount allocated for administrative costs must not exceed the amount authorized for expenditure by the Legislature for this purpose in a fiscal year. The Interim Finance Committee may adjust the amount allowed for administrative costs.

2. The State Plan for Medicaid must provide ~~[:~~

~~(a) For~~] *for* the payment of the maximum amount *of disproportionate share payments* allowable under federal law and regulations . ~~[after making any payments pursuant to paragraphs (b) and (c), to public hospitals for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients, unless such payments are subsequently limited by federal law or regulation.~~

~~(b) For a payment in an amount approved by the Legislature to the private hospital that provides the largest volume of medical care to Medicaid patients, indigent patients or other low-income patients in a county that does not have a public hospital.~~

~~(c) For a payment to each private hospital whose Medicaid utilization percentage is greater than the average for all the hospitals in this state and which is located in a county that has a public hospital, in an amount equal to:~~

~~(1) If the Medicaid utilization percentage of the hospital is greater than 20 percent, $200 for each uncompensated day incurred by the hospital; and~~

~~(2) If the Medicaid utilization percentage of the hospital is 20 percent or less, $100 for each uncompensated day incurred by the hospital.~~] *The State Plan for Medicaid must provide that for:*

(a) All public hospitals in counties whose population is 400,000 or more, the total annual disproportionate share payments are $66,650,000 plus 90 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds $76,000,000;

(b) All private hospitals in counties whose population is 400,000 or more, the total annual disproportionate share payments are $1,200,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds $76,000,000;

(c) All private hospitals in counties whose population is 100,000 or more but less than 400,000, the total annual disproportionate share payments are $4,800,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds $76,000,000;

(d) All public hospitals in counties whose population is less than 100,000, the total annual disproportionate share payments are $900,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds $76,000,000; and

(e) All private hospitals in counties whose population is less than 100,000, the total annual disproportionate share payments are $2,450,000 plus 2.5 percent of the total amount of disproportionate share payments distributed by the State in that fiscal year that exceeds $76,000,000.

3. The State Plan for Medicaid must provide for a base payment in an amount determined pursuant to subsections 4 and 5. Any amount set forth in each paragraph of subsection 2 that remains after all base payments have been distributed must be distributed to the hospital within that paragraph with the highest uncompensated care percentage in an amount equal to either the amount remaining after all base payments have been distributed or the amount necessary to reduce the uncompensated care percentage of that hospital to the uncompensated care percentage of the hospital in that paragraph with the second highest uncompensated care percentage, whichever is less. Any amount set forth in subsection 2 that remains after the uncompensated care percentage of the hospital with the highest uncompensated care percentage in a paragraph has been reduced to equal

the uncompensated care percentage of the hospital in that paragraph with the second highest uncompensated care percentage must be distributed equally to the two hospitals with the highest uncompensated care percentage in that paragraph until their uncompensated care percentages are equal to the uncompensated care percentage of the hospital with the third highest uncompensated care percentage in that paragraph. This process must be repeated until all available funds set forth in a paragraph of subsection 2 have been distributed.

4. Except as otherwise provided in subsection 5, the base payments for the purposes of subsection 3 are:

(a) For the University Medical Center of Southern Nevada, $66,531,729;

(b) For Washoe Medical Center, $4,800,000;

(c) For Carson-Tahoe Hospital, $1,000,000;

(d) For Northeastern Nevada Regional Hospital, $500,000;

(e) For Churchill Community Hospital, $500,000;

(f) For Humboldt General Hospital, $215,109;

(g) For William Bee Ririe Hospital, $204,001;

(h) For Mt. Grant General Hospital, $195,838;

(i) For South Lyon Medical Center, $174,417; and

(j) For Nye Regional Medical Center, $115,000,

or the successors in interest to such hospitals.

5. The Plan must be consistent with the provisions of NRS 422.380 to 422.390, inclusive, and Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., and the regulations adopted pursuant to those provisions.

~~[3.]~~ *If the total amount available to the State for making disproportionate share payments is less than $76,000,000, the Administrator:*

(a) Shall adjust the amounts for each group of hospitals described in a paragraph of subsection 2 proportionally in accordance with the limits of federal law. If the amount available to hospitals in a group described in a paragraph of subsection 2 is less than the total amount of base payments specified in subsection 4, the Administrator shall reduce the base payments proportionally in accordance with the limits of federal law.

(b) Shall adopt a regulation specifying the amount of the reductions required by paragraph (a).

6. To the extent that money is available in the Intergovernmental Transfer Account, the Division of Health Care Financing and Policy shall distribute $50,000 from that Account each fiscal year to each public hospital which:

(a) Is located in a county that does not have any other hospitals; and

(b) Is not eligible for a payment pursuant to ~~[subsection 2.~~ ~~4.]~~ *subsections 2, 3 and 4.*

7. As used in this section:

(a) ~~[“Medicaid utilization percentage” means the total number of days of treatment of Medicaid patients, including patients who receive their Medicaid~~

~~benefits through a health maintenance organization, divided by the total number of days of treatment of all patients during a fiscal year.~~

~~(b) "Uncompensated day" means a day in which medical care is provided to an inpatient for which a hospital receives:~~

~~(1) Not more than 25 percent of the cost of providing that care from the patient; and~~

~~(2) No compensation for the cost of providing that care from any other person or any governmental program.~~] *"Total revenue" is the amount of revenue a hospital receives for patient care and other services, net of any contractual allowances or bad debts.*

(b) "Uncompensated care costs" means the total costs of a hospital incurred in providing care to uninsured patients, including, without limitation, patients covered by Medicaid or another governmental program for indigent patients, less any payments received by the hospital for that care.

(c) "Uncompensated care percentage" means the uncompensated care costs of a hospital divided by the total revenue for the hospital.

Sec. 6. NRS 422.390 is hereby amended to read as follows:

422.390 1. The Division of Health Care Financing and Policy shall adopt regulations concerning:

(a) Procedures for the transfer to the Division of Health Care Financing and Policy of the amount required pursuant to NRS 422.382.

(b) Provisions for the payment of a penalty and interest for a delinquent transfer.

(c) Provisions for the payment of interest by the Division of Health Care Financing and Policy for late reimbursements to hospitals or other providers of medical care.

(d) Provisions for the calculation of the uncompensated care percentage for hospitals, including, without limitation, the procedures and methodology required to be used in calculating the percentage, and any required documentation of and reporting by a hospital relating to the calculation.

2. The Division of Health Care Financing and Policy shall report to the Interim Finance Committee quarterly concerning the provisions of NRS 422.380 to 422.390, inclusive.

Sec. 7. This act becomes effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act and on July 1, 2003, for all other purposes.".

Amend the title of the bill to read as follows:

"AN ACT relating to welfare; revising the provisions governing the payment of hospitals for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients; providing for the allocation and transfer of certain funding for the treatment of those patients; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing payment of hospitals for treating disproportionate share of Medicaid patients, indigent patients or other low-income patients. (BDR 38-687)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 985.

Amend sec. 2, page 3, line 2, by deleting "*Executive Director*" and inserting "*President*".

Amend sec. 7, page 6, lines 35 and 36, by deleting "Executive Director" and inserting "President".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 987.

Amend sec. 37, page 16, by deleting lines 25 and 26 and inserting: "*this chapter unless the Board finds by a preponderance of the evidence that the*".

Amend sec. 52, page 23, line 15, by deleting: "*clear and convincing*" and inserting: "*a preponderance of the*".

Amend sec. 58, page 27, by deleting lines 10 and 11 and inserting: "that a violation of the provisions of this".

Amend the bill as a whole by adding new sections designated sections 79.3 through 79.7, following sec. 79, to read as follows:

"Sec. 79.3. NRS 634.018 is hereby amended to read as follows:

634.018 "Unprofessional conduct" means:

1. Obtaining a certificate upon fraudulent credentials or gross misrepresentation.

2. Procuring, or aiding or abetting in procuring, criminal abortion.

3. ~~[Obtaining a fee on assurance]~~ *Assuring* that a manifestly incurable disease can be permanently cured.

4. Advertising chiropractic business in which grossly improbable statements are made, advertising in any manner that will tend to deceive, defraud or mislead the public or preparing, causing to be prepared, using or participating in the use of any form of public communication that contains

professionally self-laudatory statements calculated to attract lay patients. As used in this subsection, "public communication" includes, but is not limited to, communications by means of television, radio, newspapers, books and periodicals, motion picture, handbills or other printed matter. ~~[Nothing contained in this subsection prohibits the direct mailing of informational documents to former or current patients.]~~

5. Willful disobedience of the law, or of the regulations of the State Board of Health or of the Chiropractic Physicians' Board of Nevada.

6. Conviction of any offense involving moral turpitude, or the conviction of a felony. The record of the conviction is conclusive evidence of unprofessional conduct.

7. Administering, dispensing or prescribing any controlled substance.

8. Conviction or violation of any federal or state law regulating the possession, distribution or use of any controlled substance. The record of conviction is conclusive evidence of unprofessional conduct.

9. Habitual intemperance or excessive use of alcohol or alcoholic beverages or any controlled substance.

10. Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

11. Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the regulations adopted by the Board, or any other statute or regulation pertaining to the practice of chiropractic.

12. Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice chiropractic under this chapter.

13. Repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

14. Solicitation by the licensee or his designated agent of any person who, at the time of the solicitation, is vulnerable to undue influence, including, without limitation, any person known by the licensee to have recently been ~~[:~~

~~(a) Involved]~~ *involved* in a motor vehicle accident ~~[;~~

~~(b) Involved]~~ *, involved* in a work-related accident ~~[; or~~

~~(c) Injured]~~ *, or injured* by, or as the result of the actions of, another person. *As used in this subsection:*

(a) "Designated agent" means a person who renders service to a licensee on a contract basis and is not an employee of the licensee.

(b) "Solicitation" means the attempt to acquire a new patient through information obtained from a law enforcement agency, medical facility or the report of any other party, which information indicates that the potential new patient may be vulnerable to undue influence, as described in this subsection.

15. Employing, directly or indirectly, any person as a chiropractor's assistant unless the person has been issued a certificate by the Board pursuant

to NRS 634.123, or has applied for such a certificate and is awaiting the determination of the Board concerning the application.

16. Aiding, abetting, commanding, counseling, encouraging, inducing or soliciting an insurer or other third-party payor to reduce or deny payment or reimbursement for the care or treatment of a patient, unless such action is supported by:

(a) The medical records of the patient; and

(b) An examination of the patient by the chiropractic physician taking such action.

Sec. 79.5. NRS 634.090 is hereby amended to read as follows:

634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

(a) That he is of good moral character;

(b) ~~[Not]~~ *Except as otherwise provided in subsection 2, not* less than 60 days before the date of the examination, that he has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education ~~[,]~~ *or any governmental accrediting agency,* whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:

(1) Anatomy;
(2) Bacteriology;
(3) Chiropractic theory and practice;
(4) Diagnosis and chiropractic analysis;
(5) Elementary chemistry and toxicology;
(6) Histology;
(7) Hygiene and sanitation;
(8) Obstetrics and gynecology;
(9) Pathology;
(10) Physiology; and
(11) Physiotherapy; and

(c) That he:

(1) Holds certificates which indicate that he has passed parts I, II ~~[and III,]~~ *, III and IV,* and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners; or

(2) Has actively practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action taken against him.

2. *The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education or have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.*

3. Except as otherwise provided in subsection ~~[3,]~~ *4,* every applicant is required to submit evidence of his successful completion of not less than 60 credit hours at an accredited college or university.

~~[3.]~~ *4.* Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection ~~[2.]~~ *3.*

Sec. 79.7. NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed annually. Each person who is licensed pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of the statement required pursuant to NRS 634.095, be granted a renewal certificate which authorizes him to continue to practice for 1 year.

2. The renewal fee must be paid and the statement must be submitted to the Board on or before January 1 of the year to which it applies.

3. Except as otherwise provided in subsection 4, a licensee in active practice within this state must submit satisfactory proof to the Board that he has attended at least 12 hours of continuing education which is approved or endorsed by the Board . ~~[, with the exception of a licensee who has reached the age of 70 years. Two hours of the continuing education must be obtained in a topic specified by the Board.]~~ The educational requirement of this section may be waived by the Board if the licensee files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee is suffering from a serious or disabling illness or physical disability which prevented him from completing the requirements for continuing education during the 12 months immediately preceding the renewal date of his license.

4. A licensee is not required to comply with the requirements of subsection 3 until the calendar year after the year the Board issues to him an initial license to practice as a chiropractor in this state.

5. If a licensee fails to:

(a) Pay his renewal fee by January 1;

(b) Submit the statement required pursuant to NRS 634.095 by January 1;

(c) Submit proof of continuing education pursuant to subsection 3; or

(d) Notify the Board of a change in the location of his office pursuant to NRS 634.129, his license is automatically suspended and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

6. If a holder of a certificate as a chiropractor's assistant fails to:

(a) Pay his renewal fee by January 1;

(b) Submit the statement required pursuant to NRS 634.095 by January 1; or

(c) Notify the Board of a change in the location of his office pursuant to NRS 634.129,

his certificate is automatically suspended and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.".

Amend the bill as a whole by adding a new section designated sec. 80.5, following sec. 80, to read as follows:

"Sec. 80.5. NRS 634.208 is hereby amended to read as follows:

634.208 1. In addition to any other remedy provided by law, the Board, through its President, Secretary or its attorney, or the Attorney General, may bring an action in any court of competent jurisdiction to enjoin any person who does not hold a license issued by the Board from practicing chiropractic or representing himself to be a chiropractor. *As used in this subsection, "practicing chiropractic" includes the conducting of independent examinations and the offering of opinions regarding the treatment or care, or both, with respect to patients who are residents of this state.*

2. The court in a proper case may issue an injunction for such purposes without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure. The issuance of such an injunction does not relieve the person from criminal prosecution for a violation of NRS 634.227.".

Amend the bill as a whole by deleting sections 155 and 156 and adding:

"Secs. 155 and 156. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 178 and 179 and adding:

"Secs. 178 and 179. (Deleted by amendment.)".

Amend sec. 183, page 90, by deleting lines 7 through 9 and inserting:

"2. Section 4 of Senate Bill No. 281 of this session is hereby".

Amend sec. 184, page 90, line 17, by deleting: "Section 99 of this act expires" and inserting: "Sections 79.7 and 99 of this act expire".

Amend the text of repealed sections by deleting the text of sections 8, 8.3 and 8.7 of Assembly Bill No. 320 of this session.

Amend the title of the bill, eleventh line, after "physicians;" by inserting: "making various changes regarding the practice of chiropractic;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 499.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 977.

Amend section 1, page 1, line 7, by deleting "$1,800,000" and inserting "$1,500,000".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. In addition to the sum made available for allocation pursuant to subsection 2 of section 1 of this act, the Interim Finance Committee is hereby authorized, for the purpose of assisting the state entities described in that subsection, to expend for allocation pursuant to section 3 of this act:

1. Three hundred thousand dollars from the forfeiture accounts administered by the State Treasurer pursuant to NRS 179.1187; and

2. Such additional amounts from the forfeiture accounts administered by the State Treasurer pursuant to NRS 178.1187 as may be available in those accounts on or before June 30, 2005.".

Amend sec. 2, page 1, by deleting line 13 and inserting: "Committee of the money:

(a) Appropriated by section 1 of this act; and

(b) If the state entity is a state entity described in subsection 2 of section 1 of this act, authorized for expenditure pursuant to section 2 of this act.".

Amend sec. 2, page 2, between lines 12 and 13, by inserting:

"4. With respect to the state entities described in subsection 2 of section 1 of this act:

(a) The State Board of Examiners and the Interim Finance Committee shall, in determining whether an allocation should be made from the sum appropriated pursuant to that subsection, consider whether additional money is available for use from the forfeiture accounts administered by the State Treasurer pursuant to NRS 179.1187.

(b) The Interim Finance Committee shall, in granting allocations to such state entities, apply the following preference:

(1) To first pay for such allocations from the proceeds available from the forfeiture accounts administered by the State Treasurer pursuant to NRS 179.1187; and

(2) To pay for such allocations secondarily by using the proceeds appropriated from the State General Fund as described in subsection 2 of section 1 of this act.".

Amend the title of the bill, third line, after "equipment;" by inserting: "additionally making available for such purposes certain funds in the forfeiture accounts administered by the State Treasurer;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 460.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani, Arberry, and Buckley:

Amendment No. 990.

Amend the bill as a whole by deleting sections 3 through 8 and adding:

"Secs. 3-8. (Deleted by amendment.)".

Amend the title of the bill, first through third lines by deleting: "making various changes relating to the sale of tobacco products to and the purchase of those products by minors;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Carpenter, Buckley, Ohrenschall, Collins, Anderson, Brown, Hardy, and Leslie.

Conflict of interest declared by Assemblywoman Ohrenschall.

Amendment lost a division of the House.

Remarks by Assemblywoman Ohrenschall.

Conflict of interest declared by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 460:

YEAS—32.

NAYS—Atkinson, Buckley, Claborn, Collins, Conklin, Gibbons, Giunchigliani, Leslie, Pierce—9.

NOT VOTING—Ohrenschall.

Assembly Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 258.

Bill read third time.

Roll call on Senate Bill No. 258:

YEAS—36.

NAYS—Angle, Beers, Geddes, Gustavson, Mabey, Weber—6.

Senate Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 243.

Bill read third time.

Roll call on Senate Bill No. 243:

YEAS—23.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Gibbons, Goicoechea, Goldwater, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—19.

Senate Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 447.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 986.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 354.6115 is hereby amended to read as follows:

354.6115 1. The governing body of a local government may, by resolution, establish a fund to stabilize the operation of the local government and mitigate the effects of natural disasters.

2. ~~[The]~~ *Except as otherwise provided in this subsection, the* money in the fund must be used only:

(a) If the total actual revenue of the local government falls short of the total anticipated revenue in the general fund for the fiscal year in which the local government uses that money; or

(b) To pay expenses incurred by the local government to mitigate the effects of a natural disaster.

In a county whose population is less than 3,000, the money in the fund may also be used to retire outstanding bonds or other forms of debt. The money in the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than a purpose specified in this subsection.

3. The money in the fund may not be used to pay expenses incurred to mitigate the effects of a natural disaster until the governing body of the local government issues a formal declaration that a natural disaster exists. The governing body shall not make such a declaration unless a natural disaster is occurring or has occurred. Upon the issuance of such a declaration, the money in the fund may be used for the payment of the following expenses incurred by the local government as a result of the natural disaster:

(a) The repair or replacement of roads, streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the natural disaster;

(b) Any emergency measures undertaken to save lives, protect public health and safety or protect property within the jurisdiction of the local government;

(c) The removal of debris from publicly or privately owned land and waterways within the jurisdiction of the local government that was undertaken because of the natural disaster;

(d) Expenses incurred by the local government for any overtime worked by an employee of the local government because of the natural disaster or any other extraordinary expenses incurred by the local government because of the natural disaster; and

(e) The payment of any grant match the local government must provide to obtain a grant from a federal disaster assistance agency for an eligible project to repair damage caused by the natural disaster within the jurisdiction of the local government.

4. The balance in the fund must not exceed 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal funds expended by the local government.

5. The annual budget and audit report of the local government prepared pursuant to NRS 354.624 must specifically identify the fund.

6. The audit report prepared for the fund must include a statement by the auditor whether the local government has complied with the provisions of this section.

7. Any transfer of money from a fund established pursuant to this section must be completed within 90 days after the end of the fiscal year in which the natural disaster for which the fund was established occurs.

8. As used in this section:

(a) "Grant match" has the meaning ascribed to it in NRS 353.2725.

(b) "Natural disaster" means a fire, flood, earthquake, drought or any other occurrence that:

(1) Results in widespread or severe damage to property or injury to or the death of persons within the jurisdiction of the local government; and

(2) As determined by the governing body of the local government, requires immediate action to protect the health, safety and welfare of persons residing within the jurisdiction of the local government.".

Amend sec. 19, page 15, by deleting lines 8 and 9 and inserting: "*2003, other than an installment purchase agreement that:*

(a) Is entered into for the purpose of refunding outstanding obligations; and

(b) Has been approved by the State Board of Finance and the Interim Finance Committee.".

Amend sec. 20, page 15, by deleting lines 34 and 35 and inserting: "*purchase agreement that:*

(a) Is entered into for the purpose of refunding outstanding obligations; and

(b) Has been approved by the State Board of Finance and the Interim Finance Committee.".

Amend sec. 21, page 16, by deleting lines 14 and 15 and inserting: "*installment purchase agreement that:*

(a) Is entered into for the purpose of refunding outstanding obligations; and

(b) Has been approved by the State Board of Finance and the Interim Finance Committee.".

Amend the bill as a whole by renumbering sec. 22 as sec. 23 and adding a new section designated sec. 22, following sec. 21, to read as follows:

"Sec. 22. 1. At the request of the University and Community College System of Nevada, the State Board of Finance shall review a proposal for the issuance of general obligation bonds of the State of Nevada or a combination of general obligation bonds and other state securities to acquire a portion of the facilities known as the Academic Medical Center located in downtown

Las Vegas, or similar facilities within the City of Las Vegas, for the University of Nevada School of Medicine in Clark County and make a recommendation regarding the proposal to the Interim Finance Committee. If the Interim Finance Committee, after independent determination, finds that the issuance of such securities is appropriate, the committee shall by resolution direct the State Board of Finance to issue general obligation bonds of the State of Nevada or a combination of general obligation bonds of the State of Nevada and other state securities in the face amount of not more than $10,000,000 for the purpose of acquiring a portion of the facilities known as the Academic Medical Center located in downtown Las Vegas, or similar facilities within the City of Las Vegas, for the University of Nevada School of Medicine in Clark County.

2. The amount of the bonds and the timing of the issuance of the bonds must be determined by the State Treasurer and representatives of the University and Community College System of Nevada and must reflect the expenses associated with the issuance of the bonds and the expenses and timing associated with the acquisition of a portion of the facilities known as the Academic Medical Center located in downtown Las Vegas, or similar facilities within the City of Las Vegas, for the University of Nevada School of Medicine in Clark County.

3. Following the acquisition of the portion of the Academic Medical Center located in downtown Las Vegas, or similar facilities within the City of Las Vegas, for the University of Nevada School of Medicine in Clark County with the proceeds of the bonds authorized by this section, the University and Community College System of Nevada shall pay or transfer to the State Treasurer on the date on which the rent payments for the portion of the Academic Medical Center located in downtown Las Vegas that is rented by the University and Community College System of Nevada on October 1, 2003, would have been due, for deposit into the Consolidated Bond Interest and Redemption Fund, from amounts appropriated by the Legislature to the University and Community College System of Nevada for rent payments on a portion of the Academic Medical Center located in downtown Las Vegas and from other money of the University and Community College System of Nevada, an amount equal to the amount of principal and interest which accrues on the bonds in each month following the acquisition of the portion of the Academic Medical Center located in downtown Las Vegas, or similar facilities within the City of Las Vegas, for the University of Nevada School of Medicine in Clark County.

4. For the purposes of this section, the principal amount and interest on the bonds shall be deemed to accrue in equal monthly amounts from the date of the issuance of the bonds until the date of the first interest payment on the bonds and thereafter each semiannual interest payment shall be deemed to accrue in six equal monthly installments ending on the semiannual interest payment date. Principal on the bonds shall be deemed to accrue in equal monthly installments from the date of the issuance of the bonds until the first

principal payment date on the bonds and thereafter each annual principal payment shall be deemed to accrue in 12 equal monthly installments ending on each annual bond principal payment date. The annual principal payment must occur on the date of the first semiannual interest payment.

5. Except with respect to the first interest and principal payments, the interest payments on the bonds must be made semiannually and the principal payments must be made annually.

6. The provisions of the State Securities Law, set forth in NRS 349.150 to 349.364, inclusive, apply to the issuance of bonds pursuant to the provisions of this section.".

Amend sec. 22, page 16, by deleting line 39 and inserting:

"Sec. 23. 1. This section and sections 1 to 21, inclusive, of this act become effective on July 1, 2003.

2. Section 22 of this act becomes effective on October 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT relating to governmental financial administration; expanding the purposes for which, in certain smaller counties, money may be expended from a fund established to stabilize the operation of local government and mitigate the effects of natural disasters; revising provisions relating to the securities in which local governments may invest; providing for expanded oversight by the State Treasurer concerning the collateral that must be maintained by financial institutions to secure certain deposits of public money made by state and local governmental entities; making various other changes concerning the duties of the State Treasurer; revising the limitation on the total amount of revenue that may be paid to a redevelopment agency in certain smaller municipalities; authorizing under certain circumstances the issuance of certain bonds and securities to acquire certain facilities for the University of Nevada School of Medicine in Clark County; providing civil penalties; and providing other matters properly relating thereto.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 504.

Bill read third time.

Roll call on Senate Bill No. 504:

YEAS—27.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Goicoechea, Grady, Gustavson, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—15.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:58 a.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 284.
The following Senate amendment was read:
Amendment No. 730.
Amend the bill as a whole by adding new sections designated sections 8.3 and 8.7, following sec. 8, to read as follows:
"Sec. 8.3. *1. If an action has been filed in a court of competent jurisdiction claiming an unfair lending practice in connection with a home loan, the lender who holds the home loan may sell the home loan and recover damages and costs as provided in this section if the lender did not:*
(a) Originate the home loan; and
(b) Willfully engage in any unfair lending practice described in this chapter in connection with the home loan.
2. The lender described in subsection 1 may require the person from whom the lender purchased the home loan described in subsection 1 to:
(a) Repurchase the home loan for the amount the lender paid for the home loan; and
(b) Pay to the lender all damages and reasonable costs incurred by the lender that are related to:
(1) The purchase of the home loan by the lender from the person;
(2) Any damages awarded in the action described in subsection 1;
(3) Any costs related to the action described in subsection 1;
(4) The repurchase of the home loan by the lender if the lender was required to repurchase the home loan from another lender pursuant to this section; and
(5) The repurchase of the home loan from the lender by the person pursuant to this section.
3. The person described in subsection 2:
(a) Shall repurchase the home loan and pay the damages and costs as described in subsection 2; and
(b) After repurchasing the home loan, may sell the home loan and recover damages and costs as provided in this section if he is a lender described in subsection 1.
Sec. 8.7. *A mortgage, deed of trust or other instrument that encumbers home property as security for repayment of a home loan must expressly*

indicate in writing in the mortgage, deed of trust or other instrument that the home loan is a home loan as defined in section 5 of this act.".

Amend sec. 10, pages 3 and 4, by deleting lines 34 through 45 on page 3 and line 1 on page 4 and inserting:

"*1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:*

(a) The trust agreement becomes effective on or after October 1, 2003; and

(b) On the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and a copy of the promissory note attached to the notice:

NOTICE
YOU ARE IN DANGER OF LOSING YOUR HOME!

Your home loan is being foreclosed. In 60 days your home will be sold and you will be forced to move. For help, call:
Consumer Credit Counseling _____
The Attorney General _____
The Division of Financial Institutions _____
Legal Services _____
Your Lender _____
Nevada Fair Housing Center _____

4. This section does not prohibit a judicial foreclosure.

5. As used in this section, "unfair lending practice" means an unfair lending practice described in sections 2 to 9, inclusive, of this act.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 284.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 229, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment(s) of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA28, which is attached to and hereby made a part of this report.

	ANN O'CONNELL
TOM COLLINS	TERRY CARE
JOE HARDY	SANDRA TIFFANY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA28.

Amend section 1, page 2, by deleting lines 13 and 14 and inserting:

"*3. The requirements of this section do not apply to a proceeding in which the legal rights, duties or privileges of a party are required by law to be determined by a state or local governmental agency after an opportunity for hearing, or in which an administrative penalty may be imposed.*".

Amend sec. 2, pages 4 and 5, by deleting lines 40 through 44 on page 4 and lines 1 and 2 on page 5, and inserting:

"(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.".

Amend sec. 4.5, page 8, by deleting line 29 and inserting:

"*1. A meeting or*".

Amend sec. 4.5, page 8, between lines 34 and 35, by inserting:

"*2. A meeting held pursuant to NRS 213.130 or any other meeting or hearing that may result in a recommendation or final decision to grant, deny, continue or revoke the parole of a prisoner, and a meeting or hearing to commute a sentence, restore a person's civil rights, grant a pardon or reprieve or remit a fine or forfeiture, must be open to the public.*".

Amend the bill as a whole by adding a new section designated sec. 4.7, following sec. 4.5, to read as follows:

"Sec. 4.7. NRS 213.130 is hereby amended to read as follows:

213.130 1. The Department of Corrections shall:

(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;

(b) Notify the State Board of Parole Commissioners of the eligibility of the prisoner to be considered for parole; and

(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.

2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.

3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. ~~[All meetings must be open to the public.]~~

4. Not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of his rights pursuant to this subsection, if the victim has requested notification in writing and has provided his current address or if the victim's current address is otherwise known by the Board. The victim of a prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his rights pursuant to this subsection and he is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.

5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.

6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the Board.

7. If a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

8. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

9. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.".

Amend the title of the bill to read as follows:

"AN ACT relating to public bodies; prohibiting certain public bodies from voting on an item on the agenda until public comment has been allowed on the item under certain circumstances; revising provisions governing notice of meetings of public bodies; requiring certain public bodies to post the minutes of a public meeting on the Internet; requiring certain public bodies to make and retain an audio recording of a public meeting; providing that certain meetings and hearings regarding prisoners and persons on parole or probation are not subject to the open meeting law but must be open to the public; requiring that a member of certain agencies be present at a workshop of the agency concerning a proposed regulation of the agency, if practicable; authorizing a board of trustees of a general improvement district to increase the compensation of the trustees under certain circumstances; authorizing the board of trustees of a general improvement district to adopt and enforce regulations regarding the date on which a charge for services provided by the district becomes delinquent; making certain changes regarding the merger, consolidation or dissolution of certain general improvement districts; and providing other matters properly relating thereto.".

Assemblyman Collins moved that the Assembly not adopt the report of the first Conference Committee concerning Senate Bill No. 229.

Remarks by Assemblyman Collins.

Motion carried.

Bill ordered transmitted to the Senate.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Pierce, Koivisto, and Weber as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 229.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 544.

The following Senate amendment was read:

Amendment No. 966.

Amend the bill as a whole by renumbering sec. 3 as sec. 7 and adding new sections designated sections 3 through 6, following sec. 2, to read as follows:

"Sec. 3. 1. To effect an increase of approximately 15.4 percent in the Retired Employees' Group Insurance assessment, there is hereby appropriated from the State General Fund to the Interim Finance Committee for the fiscal year beginning on July 1, 2003, and ending on June 30, 2004, the sum of $824,391, for the purpose of meeting any deficiencies which may be created between the appropriated money of the respective departments, commissions and agencies of the State of Nevada, as fixed by the 72nd Session of the Legislature and the requirements for the Retired Employees'

Group Insurance assessment of those departments, commissions and agencies, including the Judicial Branch of State Government.

2. To effect an increase of approximately 13.3 percent in the Retired Employees' Group Insurance assessment, there is hereby appropriated from the State General Fund to the Interim Finance Committee for the fiscal year beginning on July 1, 2004, and ending on June 30, 2005, the sum of $806,488, for the purpose of meeting any deficiencies which may be created between the appropriated money of the respective departments, commissions and agencies of the State of Nevada, as fixed by the 72nd Session of the Legislature and the requirements for the Retired Employees' Group Insurance assessment of those departments, commissions and agencies, including the Judicial Branch of State Government.

3. The Interim Finance Committee may allocate and disburse to various departments, commissions and agencies of the State of Nevada, out of the money appropriated by this section, such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equals the amount of money required to pay the Retired Employees' Group Insurance assessment of the respective departments, commissions and agencies under the increased assessment rates.

Sec. 4. 1. To effect an increase of approximately 15.4 percent in the Retired Employees' Group Insurance assessment, there is hereby appropriated from the State Highway Fund to the Interim Finance Committee for the fiscal year beginning on July 1, 2003, and ending on June 30, 2004, the sum of $160,868, for the purpose of meeting any deficiencies which may be created between the appropriated money of the Department of Motor Vehicles, Department of Public Safety and Transportation Services Authority as fixed by the 72nd Session of the Legislature and the requirements for the Retired Employees' Group Insurance assessment of the Department of Motor Vehicles, Department of Public Safety and Transportation Services Authority.

2. To effect an increase of approximately 13.3 percent in the Retired Employees' Group Insurance assessment, there is hereby appropriated from the State Highway Fund to the Interim Finance Committee for the fiscal year beginning on July 1, 2004, and ending on June 30, 2005, the sum of $161,950, for the purpose of meeting any deficiencies which may be created between the appropriated money of the Department of Motor Vehicles, Department of Public Safety and Transportation Services Authority as fixed by the 72nd Session of the Legislature and the requirements for the Retired Employees' Group Insurance assessment of the Department of Motor Vehicles, Department of Public Safety and Transportation Services Authority.

3. The Interim Finance Committee may allocate and disburse to the Department of Motor Vehicles, Department of Public Safety and Transportation Services Authority, out of the money appropriated by this section, such sums of money as may from time to time be required, which

when added to the money otherwise appropriated or available equals the amount of money required to pay the Retired Employees' Group Insurance assessment of the Department of Motor Vehicles, Department of Public Safety and Transportation Services Authority under the increased assessment rates.

Sec. 5. 1. To effect an increase of approximately 15.4 percent in the Retired Employees' Group Insurance assessment, there is hereby appropriated from the State General Fund to the Interim Finance Committee for the fiscal year beginning on July 1, 2003, and ending on June 30, 2004, the sum of $194,060, for the purpose of meeting any deficiencies which may be created between the appropriated money of the University and Community College System of Nevada as fixed by the 72nd Session of the Legislature and the requirements for the Retired Employees' Group Insurance assessments of the classified personnel of the University and Community College System of Nevada.

2. There is hereby appropriated from the State General Fund to the Interim Finance Committee for the fiscal year beginning on July 1, 2004, and ending on June 30, 2005, the sum of $187,640 to provide the Retired Employees' Group Insurance assessment increase as provided in subsection 1.

3. There is hereby appropriated from the State General Fund to the University and Community College System of Nevada for the fiscal year beginning on July 1, 2003, and ending on June 30, 2004, the sum of $611,835, for the purpose of meeting any deficiencies which may be created between the appropriated money of the University and Community College System of Nevada as fixed by the 72nd Session of the Legislature and the requirements for the Retired Employees' Group Insurance assessments of the professional personnel of the University and Community College System of Nevada.

4. There is hereby appropriated from the State General Fund to the University and Community College System of Nevada for the fiscal year beginning on July 1, 2004, and ending on June 30, 2005, the sum of $600,101 to provide the Retired Employees' Group Insurance assessment increase as provided in subsection 3.

Sec. 6. 1. Any balance of the sums appropriated by sections 3, 4 and 5 of this act for the fiscal year beginning on July 1, 2003, and ending on June 30, 2004, does not revert to the State General Fund or State Highway Fund, as appropriate, and is available for the following fiscal year.

2. Any remaining balance of the sums appropriated by sections 3, 4 and 5 of this act must not be committed for expenditure after June 30, 2005, and reverts to the State General Fund or State Highway Fund, as appropriate, as soon as all payments of money committed have been made.".

Amend the title of the bill, fourth line, after "employees;" by inserting: "making appropriations to effect certain increases in the Retired Employees'

Group Insurance assessment for certain departments, commissions, agencies and the University and Community College System of Nevada;".

Amend the summary of the bill to read as follows:

"SUMMARY—Establishes for next biennium amount to be paid by this state for group insurance for certain public employees, public officers and retired public employees and makes appropriations to effect certain increases in Retired Employees' Group Insurance assessment for certain state agencies. (BDR S-1342)".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 544.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 10; Senate Concurrent Resolution No. 41.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Assembly Bill No. 218.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 502, 518, 529.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 41.

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

Motion carried.

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

Assembly in recess at 12:06 p.m.

ASSEMBLY IN SESSION

At 7:38 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 132, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 474, 553; Senate Bills Nos. 184, 506, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Concurrent Resolution No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 551; Senate Bill No. 507.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 148, Amendment No. 989, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 976 to Senate Bill No. 496.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 970 to Senate Bill No. 258.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bills Nos. 137, 370.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 554—AN ACT relating to county finances; authorizing the imposition of a fee on certain rental cars in certain larger counties to finance a professional sports stadium, performing arts center and facility for providing vocational training in culinary skills; authorizing the issuance of revenue bonds for certain of those projects; providing for the collection,

distribution and use of the fee; authorizing such a county to revise certain schedules of fees, rates, charges and taxes to ensure the payment of certain revenue bonds of the county; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 555—AN ACT relating to state employees; establishing the maximum allowed salaries for certain employees in the classified and unclassified service of the State; making appropriations from the State General Fund and State Highway Fund for increases in the salaries of certain employees of the State and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 507.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 32—Commending the Chief and staff of the State Printing Division of the Department of Administration for services rendered to the Nevada Legislature.

WHEREAS, Chief Donald L. Bailey, Sr., and the staff of the State Printing Division of the Department of Administration have worked long and hard to meet the needs of the 72nd Session of the Nevada Legislature, and their efforts have ensured timely and efficient printing of all bills, resolutions, histories, indices and journals; and

WHEREAS, The work produced by the State Printing Division continues to meet the high standards of previous years because of the care that Chief Don Bailey and his excellent staff devote to every assignment given to them; and

WHEREAS, The departments of the printing office, including composition, offset, bindery and office staff, have set and achieved these high standards under the direction of Chief Bailey; and

WHEREAS, Without such outstanding service and continued cooperation from the Chief and his staff, the Legislature could not function or fulfill its obligations to the people of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 72nd Session of the Nevada Legislature hereby express their appreciation and commend Chief Donald L. Bailey, Sr., and the members of his staff at the State Printing Division of the Department of Administration for their dedication, cooperation and exceptional work; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Donald L. Bailey, Sr., Chief of the State Printing Division of the Department of Administration.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.
Resolution adopted unanimously.

Senate Concurrent Resolution No. 41.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 268.
Bill read second time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 1013.
Amend sec. 2, page 3, line 44, by deleting: "*Each year when*" and inserting "*When*".
Amend sec. 2, page 4, line 1, by deleting "*shall*" and inserting: "*may, in consultation with the applicable employee organization representing those employees, if any,*".
Amend sec. 3, page 5, line 44, by deleting "receive" and inserting: "be eligible for".
Amend sec. 3, page 6, by deleting lines 8 through 11 and inserting: "and if the board of trustees of the school district that employs the speech pathologist has elected to provide for the increase in salary authorized by subsection 3 of section 2 of this act, the board may pay that increase in salary to the speech pathologist retroactively to the beginning of the 2003-2004 school year.".
Amend the title of the bill, first line, by deleting "requiring" and inserting "authorizing".
Amend the summary of the bill to read as follows:
"SUMMARY—Authorizes increased salaries for certain speech pathologists employed by school districts. (BDR 34-660)".
Assemblywoman Giunchigliani moved the adoption of the amendment.
Remarks by Assemblywoman Giunchigliani.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 466.
Bill read second time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 1011.
Amend section 1, page 1, line 3, by deleting "$245,625.35" and inserting "$116,641.00".
Amend section 1, page 1, line 4, by deleting: "pay a special assessment on" and inserting: "pay a portion of the special assessment currently due on".

Amend the bill as a whole by deleting sec. 2 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. Any remaining balance of the appropriation made by subsection 1 of section 1 of this act must not be committed for expenditure after June 30, 2004, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective on July 1, 2003.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 983.

Amend sec. 4, page 2, line 22, by deleting "*by a*" and inserting:

"*by:*

1. A".

Amend sec. 4, page 2, line 23, by deleting: "*residence, or by the*" and inserting: "*residence; or*

2. The".

Amend sec. 4, page 2, line 24, by deleting "*residence.*" and inserting: "*residence if:*

(a) The residence is in the process of initial construction and the first homeowner has not yet occupied the residence; or

(b) The residence is occupied by a homeowner and the remediation of mold or other repair is being performed by the developer, contractor or subcontractor pursuant to a legal obligation or right to repair the residence.".

Amend sec. 7, page 3, by deleting lines 9 and 10 and inserting: "*structure if the inspection and testing of mold on the building or structure was performed by:*

(a) The person who is engaging in the remediation of mold on the building; or

(b) Any person who is:".

Amend sec. 7, page 3, line 11, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 7, page 3, line 13, by deleting "*(b)*" and inserting "*(2)*".

Amend sec. 28, page 11, line 34, after "*mold.*" by inserting: "*In adopting the regulations, the Board shall consult with local health authorities in counties whose population is 100,000 or more.*".

Amend sec. 29, page 12, line 7, after "*act.*" by inserting: "*In establishing the regulations, the Board may consult with local health authorities.*".

Amend the bill as a whole by adding a new section designated sec. 29.5, following sec. 29, to read as follows:

"Sec. 29.5. *The Board may enter into a written agreement with any local health authority pursuant to which the local health authority may perform any duty of the Board related to carrying out the provisions of sections 27 to 41, inclusive, of this act within the jurisdiction of the local health authority, including, without limitation, processing applications for certificates, issuing and renewing certificates, offering examinations and providing any other administrative duties related to carrying out the provisions of sections 27 to 41, inclusive, of this act and any regulations adopted pursuant thereto. The Board shall reimburse a local health authority for any such services rendered on behalf of the Board pursuant to this section through the fees collected for the application for and the issuance and renewal of certificates.*".

Amend sec. 30, page 12, by deleting lines 16 and 17 and inserting: "*building or structure if the inspection and testing of mold on the building or structure was performed by:*

(a) The person who is engaging in the remediation of mold on the building or structure; or

(b) Any person who is:".

Amend sec. 30, page 12, line 18, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 30, page 12, line 20, by deleting "*(b)*" and inserting "*(2)*".

Amend the title of the bill, fifth line, after "mold;" by inserting: "authorizing the Board to delegate such duties to local health authorities;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater, Geddes, Anderson, Collins, and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 992.

Amend section 1, pages 1 and 2, by deleting lines 1 through 13 on page 1 and lines 1 through 43 on page 2, and inserting:

"Section 1. 1. The Legislative Commission shall appoint a committee consisting of six Legislators to conduct an interim study of the impact of Nevada's industrial insurance program on injured workers, employers and insurers.

2. The Legislative Commission shall appoint to the committee three members of the Senate and three members of the Assembly who are acquainted with the statutory program for industrial insurance in this state.

3. The study must include, without limitation:

(a) An examination of the procedures for resolving contested industrial insurance claims filed by injured workers, the costs to injured workers, employers and insurers in litigating such claims, the effect of the benefit penalty on the resolution of such claims, and the timeliness of resolving such claims;

(b) Consideration of whether it is appropriate to reimburse injured workers for time off of work when they are receiving medical treatment for compensable industrial injuries or illnesses, including the cost of such reimbursement to employers and insurers and the impacts on injured workers of not making such reimbursement;

(c) Consideration of whether it is appropriate to increase benefits retroactively to a claimant or dependant of a claimant who is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability caused by an industrial injury or a disablement from an occupational disease that occurs before July 1, 2004, and if so, consideration of the sources for paying for such increased benefits; and

(d) A review of the impact of legislation enacted during the 2003 Legislative Session on injured workers, employers and insurers.

4. In conducting the study, the committee shall seek information and suggestions from experts in the area of industrial insurance and from various representatives of injured workers, employers and insurers.

5. Any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly who are appointed to the committee.

6. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.”.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. The Commissioner of Insurance may conduct a study to review pricing mechanisms for medical professional liability insurance.

2. If the Commissioner of Insurance conducts a study pursuant to this section, the Commissioner shall submit a report of the results of the study to the Governor and the Legislative Commission.”.

Amend the title of the bill to read as follows:

“AN ACT relating to insurance; directing the Legislative Commission to appoint a committee to study the impact of Nevada’s industrial insurance program on injured workers, employers and insurers; authorizing the Commissioner of Insurance to conduct a study to review pricing mechanisms for medical professional liability insurance; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Directs Legislative Commission to appoint committee to study impact of Nevada’s industrial insurance program on injured workers,

employers and insurers and authorizes Commissioner of Insurance to conduct study to review pricing mechanisms for medical professional liability insurance. (BDR S-784)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 366.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 366:

YEAS—42.

NAYS—None.

Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended, reading so far considered second reading, rules further suspended, Assembly Bill No. 482; Senate Bills Nos. 210, 250, and 499 be declared emergency measures under the Constitution, and placed on third reading and final passage.

Motion Carried.

Assemblywoman Buckley moved that Senate Bill No. 447 just returned from the printer, be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 474.

Bill read third time.

Roll call on Assembly Bill No. 474:

YEAS—29.

NAYS—Andonov, Angle, Beers, Brown, Buckley, Carpenter, Conklin, Geddes, Giunchigliani, Gustavson, Leslie, Manendo, Weber—13.

Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Roll call on Assembly Bill No. 482:

YEAS—42.

NAYS—None.

Assembly Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 184.

Bill read third time.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblyman Perkins.

Roll call on Senate Bill No. 184:

YEAS—42.

NAYS—None.

Senate Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 210.

Bill read third time.

Roll call on Senate Bill No. 210:

YEAS—42.

NAYS—None.

Senate Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 250.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 250:

YEAS—42.

NAYS—None.

Senate Bill No. 250 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 301.

Bill read third time.

Roll call on Senate Bill No. 301:

YEAS—42.

NAYS—None.

Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 447 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 499.

Bill read third time.

Roll call on Senate Bill No. 499:

YEAS—42.

NAYS—None.

Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 400 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 506.

Bill read third time.

Roll call on Senate Bill No. 506:

YEAS—42.

NAYS—None.

Senate Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Remarks by Assemblymen Goldwater and Hettrick.

Potential conflict of interest declared by Assemblyman Goldwater.

Roll call on Senate Bill No. 400:

YEAS—41.

NAYS—Giunchigliani.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 441, Amendment No. 1008; Assembly Bill No. 490, Amendment No. 1010, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 18.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 508.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 969 to Senate Bill No. 216.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 144.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Titus and Cegavske as a second Conference Committee concerning Senate Bill No. 229.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 508.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 148.

The following Senate amendment was read:

Amendment No. 989.

Amend section 1, page 2, line 12, by deleting "The" and inserting: "Policies and procedures for the".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 148.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 258, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Arberry, Perkins, and Gibbons as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 258.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 144, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment(s) of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA38, which is attached to and hereby made a part of this report.

HARRY MORTENSON	SANDRA TIFFANY
TOM COLLINS	WARREN B. HARDY
PETE GOICOECHEA	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA38.

Amend sec. 2, page 2, by deleting lines 11 through 16 and inserting:

"*2. If a fee is charged pursuant to subsection 1:*

(a) The fee must by charged only once annually.

(b) The total of all fees collected annually pursuant to subsection 1 must not exceed an amount equal to the annual salary of a half-time position the duty of which is to administer the federal grants.".

Amend the bill as a whole by renumbering sec. 8 as sec. 9 and adding a new section, designated sec. 8, to read as follows:

"Sec. 8. Notwithstanding the provisions of chapter 6, Statutes of Nevada 2001, Special Session, from the $20,000,000 in general obligation bonds allocated to the State Department of Conservation and Natural Resources to be administered by the Division of State Lands pursuant to subparagraph (5) of paragraph (a) of subsection 7 of section 2 of that act:

1. The sum of $150,000 must be allocated to Virginia City for distribution to the Comstock Cemetery Foundation for restoration of historic Virginia City cemetery if a commitment for at least a 100 percent matching amount of money from one or more federal grants is obtained for the cost of the restoration project. This allocation must be made from the first bonds sold pursuant to chapter 6 of Statutes of Nevada 2001, Special Session.

2. The sum of $136,000 must be allocated to Lincoln County for the restoration of the historic fairgrounds in Panaca, Nevada, if a commitment is received from Lincoln County to match the allocated money through the provision of all labor for the restoration project. This allocation must be made from the second group of bonds sold pursuant to chapter 6 of Statutes of Nevada 2001, Special Session.".

Amend the title of the bill, thirteenth line, after "parks;" by inserting: "providing for the allocation of certain bonds proceeds for historic restoration projects in Virginia City and Lincoln County;".

Assemblyman Mortenson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 144.

Remarks by Assemblyman Mortenson.

Motion carried by a two-thirds constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 232, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment(s) of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA17, which is attached to and hereby made a part of this report.

DAVID GOLDWATER	WARREN B. HARDY
MARCUS CONKLIN	ANN O'CONNELL
JOSH GRIFFIN	MAGGIE CARLTON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA17.

Amend the bill as a whole by deleting sections 1 through 19 and the text of repealed sections and adding new sections designated sections 1 through 29, following the enacting clause, to read as follows:

"Section 1. NRS 597.814 is hereby amended to read as follows:

597.814 1. Except as otherwise provided in subsection 3 and NRS 597.816, a person shall not use a device for automatic dialing and announcing to disseminate a prerecorded message in a telephone call unless, before the message is disseminated, a recorded or unrecorded natural voice:

(a) Informs the person who answers the telephone call of the nature of the call, including, without limitation, the fact that a device for automatic dialing and announcing will be used to disseminate the message if the person who answers the call remains on the line; and

(b) Provides to the person who answers the telephone call the name, address and telephone number of the business or organization, if any, being represented by the caller.

2. A person shall not operate a device for automatic dialing and announcing to place:

(a) A call that is received by a telephone located in this state during the period between ~~[9]~~ *8* p.m. and 9 a.m.; or

(b) A call-back or second call to the same telephone number ~~[.]~~ *,* if a person at the telephone number terminated the original call.

3. This section does not prohibit the use of a device for automatic dialing and announcing to dial the number of and play a recorded message to a person with whom the person using the device or another person affiliated with the person using the device has a preexisting business relationship.

Sec. 2. NRS 598.0918 is hereby amended to read as follows:

598.0918 A person engages in a "deceptive trade practice" if *,* during a solicitation by telephone or sales presentation, he:

1. Uses threatening, intimidating, profane or obscene language;

2. Repeatedly or continuously conducts the solicitation or presentation in a manner that is considered by a reasonable person to be annoying, abusive or harassing;

3. Solicits a person by telephone at his residence between ~~[9]~~ *8* p.m. and ~~[8 a.m.; or]~~ *9 a.m.;*

4. Blocks or otherwise intentionally circumvents any service used to identify the caller when placing an unsolicited telephone call ~~[.]~~ *; or*

5. Places an unsolicited telephone call that does not allow a service to identify the caller by the telephone number or name of the business, unless such identification is not technically feasible.

Sec. 3. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. A person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this state or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. In any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this state or the Attorney General bringing the action may recover a civil penalty not to exceed $2,500 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this state concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this state; or

(b) If the defendant is a corporation, dissolution of the corporation.

The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of sections 5 to 19, inclusive, of this act, fails to comply with a judgment or order of any court in this state concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this state; or

(b) If the defendant is a corporation, dissolution of the corporation.

The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 3.3. NRS 598.375 is hereby amended to read as follows:

598.375 1. Except as otherwise provided in subsection 8, each seller of travel shall deposit with the Division:

(a) A bond executed by a corporate surety approved by the Commissioner and licensed to do business in this state;

(b) An irrevocable letter of credit for which the seller of travel is the obligor, issued by a bank whose deposits are federally insured; or

(c) A certificate of deposit in a financial institution which is doing business in this state and which is federally insured or insured by a private insurer approved pursuant to NRS 678.755. The certificate of deposit may be withdrawn only on the order of the Commissioner, except that the interest may accrue to the seller of travel.

2. The term of the bond, letter of credit or certificate of deposit, or any renewal thereof, must be not less than 1 year.

3. The amount of the bond, letter of credit or certificate of deposit, or any renewal thereof, must be $50,000.

4. If the seller of travel deposits a bond, the seller of travel shall keep accurate records of the bond and the payments made on the premium. The records must be open to inspection by the Division during business hours. The seller of travel shall notify the Division not later than 30 days before the date of expiration of the bond and provide written proof of the renewal of the bond to the Division.

5. The Commissioner may reject any bond, letter of credit or certificate of deposit that fails to comply with the requirements of this chapter.

6. A seller of travel may change the form of security that he has deposited with the Division. If the seller of travel changes the form of the security, the Commissioner may retain for not more than 1 year any portion of the security previously deposited by the seller of travel as security for claims arising during the time the previous security was in effect.

7. If the amount of the deposited security falls below the amount required by this chapter for that security, the seller of travel shall be deemed not to be registered as required by NRS 598.365 for the purposes of this chapter.

8. The provisions of this section do not apply to a seller of travel who ~~[is]~~ *:*

(a) Is accredited by and appointed as an agent of the Airlines Reporting Corporation ~~[.]~~ *; or*

(b) Maintains a trust account in accordance with the provisions of section 5 of Assembly Bill No. 343 of this session.

Sec. 3.5. NRS 598A.260 is hereby amended to read as follows:

598A.260 1. All money obtained as awards, damages or civil penalties for the State of Nevada and its agencies by the Attorney General as a result of enforcement of statutes pertaining to unfair trade practices, whether by final judgment, settlement or otherwise must be deposited in the State Treasury as follows:

(a) All attorney's fees and costs and 50 percent of all recoveries for credit to the Attorney General's Special Fund.

(b) The balance of the recoveries for credit to the State General Fund.

2. Money deposited in the State Treasury for credit to the Attorney General's Special Fund pursuant to subsection 1 must be used for payment of the expenses of enforcing the statutes pertaining to unfair trade practices ~~[.]~~ *and sections 5 to 19, inclusive, of this act.* Those expenses which are in excess of the amount available in the fund must be paid out of the legislative appropriation for the support of the Office of Attorney General.

3. On June 30 of each fiscal year, any amount in excess of ~~[$200,000]~~ *$450,000* in the Attorney General's Special Fund of the money collected pursuant to subsection 1 reverts to the State General Fund.

4. The balance of the money in the Attorney General's Special Fund that is collected pursuant to subsection 1 must not exceed ~~[$250,000.]~~ *$500,000.* If money deposited in the State Treasury for credit to the Attorney General's Special Fund pursuant to subsection 1 would cause that balance to exceed ~~[$250,000]~~ *$500,000* if credited to the Fund, the amount of the deposit which would cause the balance to exceed ~~[$250,000]~~ *$500,000* immediately reverts to the State General Fund.

Sec. 4. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 19, inclusive, of this act.

Sec. 5. *As used in sections 5 to 19, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6, 7 and 8 of this act have the meanings ascribed to them in those sections.*

Sec. 6. *"Registry" means the registry established pursuant to section 10 of this act unless, pursuant to section 9 of this act, the part of the single national database that relates to this state is deemed to be the registry.*

Sec. 7. *1. "Telephone solicitor" means a person who makes or causes another person or a machine to make an unsolicited telephone call for the sale of goods or services.*

2. As used in this section:

(a) "Device for automatic dialing and announcing" has the meaning ascribed to it in NRS 597.812.

(b) "Machine" includes, without limitation, a device for automatic dialing and announcing.

Sec. 8. *1. "Unsolicited telephone call for the sale of goods or services" means an unsolicited telephone call, other than a telephone call on behalf of a charitable organization, religious organization or political organization, to:*

(a) Rent, lease, sell, exchange, promote or gift any good or service;

(b) Solicit any act described in paragraph (a);

(c) Seek or obtain a donation or contribution of money or anything else of value; or

(d) Seek or obtain information, including, without limitation, any document, intended to be used to facilitate any act described in paragraph (a), (b) or (c).

2. As used in this section:

(a) "Charitable organization" means a person that the Secretary of the Treasury has determined to be tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

(b) "Committee for political action" means a committee for political action, as defined in NRS 294A.0055, which has registered pursuant to NRS 294A.230.

(c) "Good or service" means:

(1) Any property or product, whether tangible or intangible;

(2) Any service, including, without limitation, financial service;

(3) A loan or any other extension of credit;

(4) Insurance;

(5) Any investment or opportunity for investment;

(6) A gift, prize, bonus or any other inducement to act; or

(7) Anything of value.

(d) "Political organization" means a committee for political action, political party or candidate for public office.

(e) "Religious organization" means an organization for which the primary purpose is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted.

(f) "Telephone call on behalf of a charitable organization, religious organization or political organization" means a telephone call on behalf of the organization if the call is made by:

(1) An employee of the organization who is paid directly by the organization; or

(2) A volunteer.

3. For the purposes of this section, a telephone call is deemed to have been solicited if it is made to a person who:

(a) Expressly requested or expressly gave permission for the telephone call to be made;

(b) Had an established business relationship with the caller, if the telephone call is made solely to verify the termination of the business relationship; or

(c) Has a delinquent obligation for which payment or performance is due but has not been made, if the telephone call is made to:

(1) Collect the payment or obtain the performance; or

(2) Extend credit to allow the person to make the payment.

Sec. 9. *1. If a federal agency establishes a single national database of telephone numbers of persons who request not to receive unsolicited telephone calls for the sale of goods or services, the Attorney General shall, to the extent consistent with federal law, examine that database and the federal law relating to that database for the purposes of sections 5 to 19, inclusive, of this act. Based upon this examination and his analysis of the applicable needs of this state, the Attorney General may issue a finding that:*

(a) The part of the single national database that relates to this state is adequate to serve as the registry for the purposes of sections 5 to 19, inclusive, of this act; and

(b) It is in the best interests of this state for the Attorney General to use the part of the single national database that relates to this state as the registry for the purposes of sections 5 to 19, inclusive, of this act.

2. Except as otherwise provided in subsection 3, if the Attorney General issues the finding described in subsection 1:

(a) The part of the single national database that relates to this state shall be deemed to be the registry for the purposes of sections 5 to 19, inclusive, of this act;

(b) The Attorney General shall forward the applicable information in the registry established pursuant to section 10 of this act, if any, to the federal agency or other appropriate person who maintains the single national database;

(c) The provisions of sections 10 and 13 of this act do not apply;

(d) The provisions of paragraphs (b), (c) and (d) of subsection 1 of section 11 of this act do not apply; and

(e) The provisions of subsection 3 of section 14 of this act do not apply.

3. Not less than biennially, the Attorney General shall reexamine the single national database and the federal law relating to that database for the purposes of sections 5 to 19, inclusive, of this act. Based upon this reexamination and his analysis of the applicable needs of this state, the Attorney General may rescind his finding issued pursuant to subsection 1. If the Attorney General rescinds his finding:

(a) Except as otherwise provided in paragraph (d), 1 month after the Attorney General rescinds his finding, the provisions of section 10 of this act apply;

(b) Five months after the Attorney General rescinds his finding, the provisions of section 13 of this act apply;

(c) Six months after the Attorney General rescinds his finding:

(1) The provisions of paragraphs (b), (c) and (d) of subsection 1 of section 11 of this act apply;

(2) The provisions of subsection 3 of section 14 of this act apply; and

(3) The part of the single national database that relates to this state shall cease to be deemed to be the registry for the purposes of sections 5 to 19, inclusive, of this act; and

(d) Three years after the Attorney General rescinds his finding, the provisions of paragraph (d) of subsection 1 of section 10 of this act apply.

4. At any time after rescinding a finding pursuant to subsection 3, the Attorney General may again issue a finding described in subsection 1, and may rescind that finding pursuant to subsection 3.

Sec. 10. *1. The Attorney General shall:*

(a) Establish and maintain, or cause to be established and maintained, a registry that includes the name and telephone number of each person in this state who has requested that his telephone number be included in the list published pursuant to this section;

(b) Provide for a toll-free telephone number that may be used to request inclusion or maintenance of a telephone number in the registry;

(c) Publish a list of the telephone numbers in the registry at least once every 6 months and ensure that no other personally identifying information contained in the registry is included in the published lists;

(d) On January 1, 2007, and every 3 years thereafter, delete from the registry every telephone number and related information, except for each telephone number and related information for which the Attorney General has received a request within the preceding 6 months to include or maintain the telephone number in the registry;

(e) During the 6-month period identified in paragraph (d), use reasonable means, including, without limitation, public service announcements, to inform the public that telephone numbers and related information in the registry will be deleted or otherwise purged unless new or renewed requests for inclusion in the registry are received by the Attorney General; and

(f) If a federal agency establishes a single national database of telephone numbers of persons who request not to receive unsolicited telephone calls for the sale of goods or services:

(1) Include the part of the single national database that relates to this state in the registry;

(2) At least once every 6 months, add to the registry any new and applicable information that has been added to the part of the single national database that relates to this state; and

(3) At least once every 6 months, remove from the registry any applicable information that has been removed from the part of the single national database that relates to this state.

2. The Attorney General may:

(a) Contract for the establishment and maintenance of the registry;

(b) Provide for additional procedures for requesting inclusion or maintenance of a telephone number in the registry; and

(c) Require by regulation that information in addition to names and telephone numbers be included in the registry, including, without limitation, the mailing address of each person who has requested inclusion in the registry.

3. A person may request that his telephone number be included or maintained in the registry using:

(a) A toll-free telephone number provided by the Attorney General for that purpose; or

(b) Any other method provided by the Attorney General.

4. A person may request to have his telephone number removed from the registry. Such a request must be submitted to the Attorney General in writing.

Sec. 11. *1. The Attorney General shall make information available to the public concerning the establishment and maintenance of the registry, including, without limitation:*

(a) The procedures for requesting the inclusion or maintenance of a telephone number in the registry;

(b) A statement indicating that a revised version of the list of telephone numbers in the registry will be published at least once every 6 months;

(c) A statement indicating that no information contained in the registry, other than the telephone numbers, will be included on the list published pursuant to this section or otherwise disclosed to the public; and

(d) A statement indicating that all telephone numbers and related information in the registry will be deleted or otherwise purged from the registry every 3 years, except for any telephone number and related information for which the Attorney General has received a new or renewed request for inclusion in the registry within the 6 months before the potential deletion.

2. A person who publishes telephone directories for distribution to the public in this state shall ensure that each such telephone directory includes the information made available to the public by the Attorney General pursuant to subsection 1.

Sec. 12. *To the extent consistent with federal law:*

1. The registry is not a public record. Any list published of the telephone numbers contained within the registry is not a public record.

2. The telephone numbers in the registry must not be published or released except pursuant to the provisions of sections 5 to 19, inclusive, of this act.

3. The information in the registry other than the telephone numbers:

(a) Must not be published or released; and

(b) May only be used by the Attorney General to administer the provisions of sections 5 to 19, inclusive, of this act.

Sec. 13. *Each list of telephone numbers published pursuant to section 10 of this act must be made available to a telephone solicitor upon the payment of the fee established by regulation for this purpose by the Attorney General. The fee must not exceed $1,000 annually for each telephone solicitor, regardless of the number of revised editions of the list that are published during the calendar year.*

Sec. 14. *1. Except as otherwise provided in section 15 of this act, a telephone solicitor shall not intentionally make an unsolicited telephone call for the sale of goods or services to a telephone number in the currently effective version of the list of telephone numbers in the registry.*

2. A person who obtains a copy of or access to the registry or to any version of the list of telephone numbers in the registry shall not use that information for any purpose other than determining whether a particular telephone number is available for an unsolicited telephone call for the sale of goods or services.

3. For the purposes of this section, a version of the list of telephone numbers in the registry is deemed to be the currently effective version of the list for the period beginning on the 31st day after it is published and ending on the 30th day after the next version is published.

Sec. 15. *1. The provisions of section 14 of this act do not prohibit a telephone solicitor from making or causing another person to make an unsolicited telephone call for the sale of goods or services to a telephone number in the currently effective version of the list of telephone numbers in the registry if:*

(a) There is a preexisting business relationship between the telephone solicitor and the person who is called; and

(b) The telephone solicitor complies with the provisions of this section.

2. Before a telephone solicitor may make or cause another person to make an unsolicited telephone call for the sale of goods or services based on a preexisting business relationship, the telephone solicitor must establish and maintain an internal do-not-call registry that complies with federal and state laws and regulations. The internal do-not-call registry must:

(a) Include, without limitation, a list of the telephone numbers of any person who has requested that the telephone solicitor not make or cause another person to make an unsolicited telephone call for the sale of goods or services to a telephone number of the person making the request; and

(b) Upon request, be provided by the telephone solicitor to the Attorney General.

3. In addition to the requirements set forth in subsection 2, at least once each year, the telephone solicitor shall provide written notice to each person with whom the telephone solicitor has a preexisting business relationship. The written notice must:

(a) Inform the person that the telephone solicitor is providing the notice pursuant to state law;

(b) Explain to the person that the telephone solicitor may elect to be placed on the internal do-not-call list of the telephone solicitor and specify the procedures for making such an election; and

(c) Explain to the person that the person may contact the customer service department of the telephone solicitor or the Attorney General to obtain further information concerning the provisions of this section and must provide the current address, telephone number and electronic mail address of the customer service department of the telephone solicitor and the Attorney General.

4. As used in this section, "preexisting business relationship" means a relationship between a telephone solicitor and a person that is based on:

(a) The person's purchase, rental or lease of goods or services directly from the telephone solicitor, but not from any affiliate or associate of the telephone solicitor; or

(b) Any other financial transaction directly between the person and the telephone solicitor, but not between the person and any affiliate or associate of the telephone solicitor,

that occurs within the 18 months immediately preceding the date of the unsolicited telephone call for the sale of goods or services.

Sec. 16. *If the Attorney General has reason to believe that a person has violated any of the provisions of sections 5 to 19, inclusive, of this act or any regulation adopted pursuant thereto, he may institute an appropriate legal proceeding against the person in a court of competent jurisdiction.*

Sec. 17. *A violation of a provision of sections 5 to 19, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.*

Sec. 18. *1. The Registry Fund is hereby created as a special revenue fund in the State Treasury for the use of the Attorney General.*

2. All money collected by the Attorney General pursuant to section 13 of this act must be deposited in the State Treasury for credit to the Registry Fund. The interest and income earned on the money in the Registry Fund, after deducting any applicable charges, must be credited to the Registry Fund.

3. Expenditures from the Registry Fund must be made only to administer and enforce the provisions of sections 5 to 19, inclusive, of this act.

4. The Attorney General shall administer the Registry Fund. All claims against the Registry Fund must be paid as other claims against the State are paid.

5. Any money remaining in the Registry Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Registry Fund must be carried forward to the next fiscal year.

6. Each year, the Attorney General shall submit an itemized statement of the income and expenditures for the Registry Fund:

(a) To the Legislature, if the Legislature is in session; or

(b) To the Interim Finance Committee, if the Legislature is not in session.

Sec. 19. *The Attorney General shall adopt regulations to carry out the provisions of sections 5 to 19, inclusive, of this act.*

Sec. 20. Section 5 of Assembly Bill No. 343 of this session is hereby amended to read as follows:

Sec. 5. *1. Except as otherwise provided in subsection 2:*

(a) A seller of travel shall maintain a trust account in a bank, credit union or savings and loan association in this state for the purpose of depositing all money that a consumer pays to the seller of travel for the purchase of travel services or a vacation certificate.

(b) If a consumer pays money to a seller of travel for the purchase of travel services or a vacation certificate, the seller of travel shall deposit all such money in the trust account maintained by the seller of travel not later than 2 business days after the date on which the consumer pays the money to the seller of travel.

(c) The seller of travel shall pay out of the trust account the money paid to the seller of travel by the consumer as needed to complete the purchase of the travel services or vacation certificate purchased by the consumer.

2. The provisions of this section do not apply to a seller of travel who deposits security with the Division pursuant to NRS 598.375.

Sec. 21. Section 7 of Assembly Bill No. 343 of this session is hereby amended to read as follows:

Sec. 7. *1. Except as otherwise provided in subsection 5, a consumer who is eligible for recovery from the account must file a complaint with the Division or its designee not later than 1 year after the scheduled date of completion of the travel purchased by the consumer. The consumer must file the complaint on a form established for this purpose by the Division.*

2. If the Division receives a complaint pursuant to subsection 1, the Division or its designee shall hold a hearing on the complaint. The Division shall:

(a) Affix the time and place for the hearing; and

(b) Notify the interested parties, in writing, at least 10 days before the date affixed for the hearing, of the time and place of the hearing.

3. Any testimony taken at the hearing must be considered a part of the record of the hearing before the Division or its designee.

4. The hearing must be public if a request is made for a public hearing.

5. If a consumer has obtained a judgment in any court of competent jurisdiction for recovery of damages against a seller of travel, the consumer may file with the Division or its designee a complaint for recovery of the judgment from the account. The consumer must file the complaint not later than 2 years after the entry of the judgment. The consumer is eligible for recovery of the judgment from the account if:

(a) The judgment is for actual damages suffered by the consumer as a result of:

(1) Any act of fraud or misrepresentation by the seller of travel acting in his capacity as a seller of travel;

(2) The bankruptcy of the seller of travel;

(3) The breach of any contract entered into by the seller of travel in his capacity as a seller of travel; or

(4) The violation by the seller of travel of any provision of NRS 598.305 to 598.395, inclusive, and sections 2 to 10, inclusive, of this act;

(b) The proceedings in connection with the judgment, including all appeals, have terminated;

(c) The consumer files the complaint on a form established for this purpose by the Division;

(d) The consumer submits proof satisfactory to the Division of the judgment; and

(e) Upon obtaining payment from the account, the consumer assigns his rights to enforce the judgment to the Division.

6. If a consumer files a complaint pursuant to this section, the Division or its designee shall act upon the complaint not later than 60 days after the date on which the complaint is filed with the Division, unless the Division:

(a) Determines that the complaint involves complex issues that may not reasonably be resolved within 60 days; and

(b) Notifies the interested parties, in writing, that the time for acting on the complaint will be extended. If the Division provides such notice to the interested parties, the Division shall act upon the complaint not later than 180 days after the date on which the complaint is filed with the Division.

Sec. 22. Section 8 of Assembly Bill No. 343 of this session is hereby amended to read as follows:

Sec. 8. *1. Except as otherwise provided in subsection 2, a consumer is eligible for recovery from the account if:*

(a) The Division or its designee, after conducting a hearing on a complaint filed pursuant to the provisions of subsection 1 of section 7 of this act, finds that the consumer suffered actual damages as a result of:

(1) Any act of fraud or misrepresentation by the seller of travel acting in his capacity as a seller of travel;

(2) The bankruptcy of the seller of travel;

(3) The breach of any contract entered into by the seller of travel in his capacity as a seller of travel; or

(4) The violation by the seller of travel of any provision of NRS 598.305 to 598.395, inclusive, and sections 2 to 10, inclusive, of this act; or

(b) The consumer complies with the provisions of subsection 5 of section 7 of this act for the recovery of a judgment from the account.

2. A consumer is not eligible for recovery from the account if:

(a) The consumer is the spouse of the seller of travel or is a personal representative of the spouse of the seller of travel;

(b) The consumer was associated in a business relationship with the seller of travel other than with regard to the travel services or vacation certificate at issue;

(c) At the time the consumer paid money to the seller of travel for the purchase of the travel services or vacation certificate at issue, the seller of travel was not registered with the Division as required by NRS 598.365; or

(d) The consumer is seeking recovery of losses which were incurred by the consumer as the result of a cancellation penalty that:

(1) Was fully disclosed and agreed to by the consumer at the time the consumer entered into the contract for the purchase of the travel services or vacation certificate at issue; and

(2) Was imposed against the consumer, in accordance with the terms of the contract, after the cancellation of the travel services or vacation certificate at issue.

3. If the Division or its designee finds that a consumer is eligible for recovery from the account pursuant to this section, the Division or its designee may pay out of the account:

(a) If the complaint was filed pursuant to subsection 1 of section 7 of this act, the amount of actual damages suffered, but not to exceed $10,000; or

(b) If the complaint was filed pursuant to subsection 5 of section 7 of this act, the amount of actual damages included in the judgment and remaining unpaid, but not to exceed $10,000.

4. If a consumer has recovered a portion of his losses from sources other than the account, the Division shall deduct the amount recovered from the other sources from the amount payable upon the claim and direct the difference to be paid from the account.

5. To the extent that payments are made from the account to a consumer, the Division is subrogated to the rights of the consumer. The Division and the Attorney General shall promptly enforce all subrogation claims.

6. The amount of recovery from the account based upon claims made against any single seller of travel:

(a) Must not exceed $200,000; and

(b) For any single action of the seller of travel, must not exceed 20 percent of the balance of the account.

Sec. 23. Section 9 of Assembly Bill No. 343 of this session is hereby amended to read as follows:

Sec. 9. *1. A seller of travel shall display conspicuously, at each place of business of the seller of travel and on any website maintained by the seller of travel for business purposes, a legible and typewritten statement that notifies consumers that they may be eligible to recover certain financial damages from the Recovery Fund. The written statement must be in substantially the following form:*

RECOVERY FUND FOR CONSUMERS
DAMAGED BY SELLERS OF TRAVEL

You may be eligible for payment from the Recovery Fund if you have paid money to a seller of travel registered in this state for the purchase of travel

services or a vacation certificate and you have suffered certain financial damages as a result of the transaction. To obtain information relating to your rights under the Recovery Fund and the filing of a claim for recovery from the Recovery Fund, you may contact the Consumer Affairs Division of the Department of Business and Industry at the following locations:

SOUTHERN NEVADA: 1850 East Sahara Avenue
Suite 101
Las Vegas, Nevada 89104
Phone: 702.486.7355
Fax: 702.486.7371
ncad@fyiconsumer.org

NORTHERN NEVADA: 4600 Kietzke Lane
Building B, Suite 113
Reno, Nevada 89502
Phone: 775.688.1800
Fax: 775.688.1803

2. The Division may impose upon a seller of travel an administrative fine of not more than:

(a) For the first violation of subsection 1, $100; and

(b) For a second or subsequent violation of subsection 1, $250.

3. The Division shall deposit any money received pursuant to this section in the account established pursuant to section 6 of this act.

4. The provisions of NRS 598.305 to 598.395, inclusive, and sections 2 to 10, inclusive, of this act do not limit the authority of the Division to take disciplinary action against a seller of travel.

Sec. 24. Section 10 of Assembly Bill No. 343 of this session is hereby amended to read as follows:

Sec. 10. *1. The Division shall:*

(a) On or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the appropriate legislative committee if the Legislature is in session, or to the Interim Finance Committee if the Legislature is not in session, a statement of the condition of the account that is prepared in accordance with generally accepted accounting principles.

(b) Employ accountants as necessary for the performance of the duties set forth in this section and pay any related expenses from the money in the account. Except as otherwise provided in subsection 3, the expenditures made by the Division pursuant to this paragraph must not exceed $10,000 in any fiscal year.

(c) Employ or contract with persons and procure necessary equipment, supplies and services to be paid from or purchased with the money in the

account as may be necessary to monitor or process claims filed by consumers that may result in a recovery from the account.

2. Any interest earned on the money in the account must be credited to the account. The Division may expend the interest earned on the money in the account to increase public awareness of the account. Except as otherwise provided in subsection 3, the expenditures made by the Division for this purpose must not exceed $50,000 in any fiscal year.

3. The total expenditures made by the Division pursuant to this section must not exceed 10 percent of the account in any fiscal year.

4. Once an initial balance of $200,000 exists in the account, the Division shall maintain a minimum balance of $200,000 in the account.

5. The Division shall adopt such regulations as are necessary to carry out the provisions of NRS 598.305 to 598.395, inclusive, and sections 2 to 10, inclusive, of this act, including, without limitation, regulations governing:

(a) The disbursement of money from the account; and

(b) The manner in which a complaint is filed with the Division or its designee pursuant to the provisions of section 7 of this act.

Sec. 25. Section 11 of Assembly Bill No. 343 of this session is hereby amended to read as follows:

Sec. 11. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. A person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this state or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. In any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this state or the Attorney General bringing the action may recover a civil penalty not to exceed $2,500 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a

prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, *and sections 2 to 10, inclusive, of this act,* 598.405 to 598.525, inclusive, *and section 10.5 of this act,* 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this state concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this state; or

(b) If the defendant is a corporation, dissolution of the corporation.

The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 26. Section 12 of Assembly Bill No. 343 of this session is hereby amended to read as follows:

Sec. 12. NRS 598.305 is hereby amended to read as follows:

598.305 As used in NRS 598.305 to 598.395, inclusive, *and sections 2 to 10, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 598.315 to 598.356, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 27. Section 14 of Assembly Bill No. 343 of this session is hereby amended to read as follows:

Sec. 14. NRS 598.365 is hereby amended to read as follows:

598.365 1. Before advertising its services or conducting business in this state, a seller of travel must register with the Division by:

(a) Submitting to the Division an application for registration on a form prescribed by the Division;

(b) Paying to the Division a fee of $25; ~~[and]~~

(c) Depositing the security required pursuant to NRS 598.375, if any, with the Division ~~[.]~~ *; and*

(d) Paying to the Division a fee of $100 for deposit to the account established pursuant to section 6 of this act.

2. The Division shall issue a certificate of registration to the seller of travel upon receipt of :

(a) The security in the proper form if the seller of travel is required to deposit security pursuant to NRS 598.375; and

(b) The payment of ~~[the fee]~~ *any fees* required by this section.

3. A certificate of registration:

(a) Is not transferable or assignable; and

(b) Expires 1 year after it is issued.

4. A seller of travel must renew a certificate of registration issued pursuant to this section before the certificate expires by:

(a) Submitting to the Division an application for the renewal of the certificate on a form prescribed by the Division; ~~[and]~~

(b) Paying to the Division a fee of $25 ~~[.]~~ *; and*

(c) Paying to the Division a fee of $100 for deposit to the account established pursuant to section 6 of this act.

5. The Division shall mail an application for the renewal of a certificate to the last known address of a seller of travel at least 30 days before the expiration of the certificate.

6. The provisions of this section do not require a person described in paragraph (a) of subsection 2 of NRS 598.335 to register with the Division.

Sec. 28. Section 15 of Assembly Bill No. 343 of this session is hereby amended to read as follows:

Sec. 15. (Deleted by amendment.)

Sec. 29. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2, 3 and 3.5 to 19, inclusive, of this act become effective upon passage and approval for the purposes of adopting regulations and entering into contracts or otherwise preparing to carry out the provisions of this act.

3. Sections 3.3 and 20 to 28, inclusive, of this act become effective on October 1, 2003.

4. Sections 1, 2, 3 and 3.5 to 19, inclusive, of this act become effective on January 1, 2004, for the purpose of the Attorney General making the determination described in subsection 1 of section 9 of this act.

5. If the Attorney General makes the determination described in subsection 1 of section 9 of this act on or before April 1, 2004, sections 1, 2, 3 and 3.5 to 19, inclusive, of this act become effective on May 1, 2004, for all other purposes.

6. If the Attorney General does not make the determination described in subsection 1 of section 9 of this act on or before April 1, 2004, sections 1, 2, 3 and 3.5 to 19, inclusive, of this act become effective:

(a) On May 1, 2004, for the purposes of the Attorney General receiving and accepting requests to include telephone numbers in the registry established pursuant to section 10 of this act.

(b) On June 1, 2004, for the purpose of publishing the first list of telephone numbers in the registry; and

(c) On July 1, 2004, for all other purposes.".

Amend the title of the bill to read as follows:

"AN ACT relating to trade practices; requiring the establishment of a registry of certain telephone numbers or the use of a similar federal list; requiring the publication of a list of certain telephone numbers or the use of a similar federal list; prohibiting a telephone solicitor from making an unsolicited telephone call for the sale of goods or services to a telephone number included in the currently effective version of the list under certain circumstances; providing that the making of an unsolicited telephone call for the sale of goods and services is a deceptive trade practice under certain

circumstances; providing that a seller of travel may maintain a trust account or post security; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to trade practices. (BDR 52-1073)".

Amend the joint sponsors of the bill to read as follows:

"JOINT SPONSORS: SENATORS TOWNSEND, AMODEI, TITUS, HARDY, CARLTON, CARE, CEGAVSKE, MATHEWS, MCGINNESS, NEAL, NOLAN, O'CONNELL, RAGGIO, RAWSON, SCHNEIDER, SHAFFER, TIFFANY, WASHINGTON AND WIENER.".

Assemblyman Goldwater moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 232.

Remarks by Assemblymen Goldwater, Conklin, and Chowning.

Motion carried by a two-thirds constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 490.

The following Senate amendment was read:

Amendment No. 1010.

Amend sec. 19, page 5, by deleting lines 22 through 32 and inserting: "business as ~~[~~.

~~(a) A firm or corporation that is exempt from licensing as~~] a mortgage ~~[company pursuant to subsection 6 of NRS 645E.150.~~

~~(b) A mortgage company if:~~

~~(1)~~] *banker if:*

(a) The licensee and the mortgage ~~[company:~~

~~(I)~~] *banker:*

(1) Operate as separate legal entities;

~~[(II)]~~ *(2)* Maintain separate accounts, books and records;

~~[(III)]~~ *(3)* Are subsidiaries of the same parent corporation; and

~~[(IV)]~~ *(4)* Maintain separate licenses; and

~~[(2)]~~ *(b)* The mortgage ~~[company]~~ *banker* is licensed by this state".

Amend sec. 36, page 14, by deleting lines 20 through 41 and inserting:

"6. ~~[Except as otherwise provided in this subsection and NRS 645B.690, any firm or corporation:~~

~~(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;~~

~~(b) Approved by the Federal National Mortgage Association as a seller and servicer; and~~

~~(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.~~

~~A firm or corporation is not exempt from the provisions of this chapter pursuant to this subsection if it maintains any accounts described in subsection 1 of NRS 645B.175 or if it offers for sale in this state any unregistered security under state or federal law and purports to make~~

~~investments in promissory notes secured by liens on real property. A firm or corporation which is exempted pursuant to this subsection must submit annually as a condition of its continued exemption a certified statement by an independent certified public accountant that the firm or corporation does not maintain any such accounts. This subsection does not prohibit an exempt firm or corporation from maintaining accounts described in NRS 645B.170 and subsection 4 of NRS 645B.175.~~

~~7.~~] Any person doing any act under an order of any court.".

Amend sec. 36, page 14, line 42, by deleting "8." and inserting "~~[8.]~~ *7.*".

Amend sec. 36, page 15, line 4, by deleting "9." and inserting "~~[9.]~~ *8.*".

Amend sec. 36, page 15, line 7, by deleting "10." and inserting "~~[10.]~~ *9.*".

Amend sec. 37, page 15, line 12, by deleting "or 6" and inserting "~~[or 6]~~".

Amend sec. 37, page 15, line 17, by deleting "or 6" and inserting "~~[or 6]~~".

Amend sec. 37, page 15, by deleting line 21 and inserting: "subsections 2 to ~~[5, inclusive, or 7 to 10,]~~ *9,* inclusive, of NRS 645B.015".

Amend sec. 47, page 27, by deleting lines 16 through 31 and inserting:

"2. ~~[If a person is exempt from the provisions of this chapter pursuant to subsection 6 of NRS 645B.015 and the person, while exempt, maintains, offers to maintain or holds himself out as maintaining any accounts described in subsection 1 of NRS 645B.175 or otherwise engages in, offers to engage in or holds himself out as engaging in any activity that would remove the person from the exemption set forth in subsection 6 of NRS 645B.015, the Commissioner shall impose upon the person an administrative fine of not more than $10,000 for each violation and the Commissioner shall revoke the person's exemption. If the Commissioner revokes an exemption pursuant to this subsection, the person may not again be granted the same or a similar exemption from the provisions of this chapter. The person may apply for a license pursuant to this chapter unless otherwise prohibited by specific statute.~~

~~3.~~] If a mortgage broker violates any provision of subsection 1".

Amend sec. 54, pages 29 and 30, by deleting lines 44 and 45 on page 29 and lines 1 through 7 on page 30, and inserting:

"6. ~~[Any firm or corporation:~~

~~(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;~~

~~(b) Approved by the Federal National Mortgage Association as a seller and servicer; and~~

~~(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.~~

~~7.~~] Any person doing any act under an order of any court.".

Amend sec. 54, page 30, line 8, by deleting "8." and inserting "~~[8.]~~ *7.*".

Amend sec. 54, page 30, line 15, by deleting "9." and inserting "~~[9.]~~ *8.*".

Amend sec. 54, page 30, line 18, by deleting "10." and inserting "~~[10.]~~ *9.*".

Amend sec. 55, page 30, line 22, by deleting "or 6" and inserting "~~[or 6]~~".

Amend sec. 55, page 30, line 28, by deleting "or 6" and inserting "~~[or 6]~~".

Amend sec. 55, page 30, by deleting line 32 and inserting: "subsections 2 to ~~[5, inclusive, or 7 to 10,]~~ *9,* inclusive, of NRS 645E.150".

Amend the bill as a whole by adding a new section designated sec. 87.5, following sec. 87, to read as follows:

"Sec. 87.5. 1. Notwithstanding the amendatory provisions of this act, if a person, on July 1, 2003, holds a certificate of exemption issued pursuant to chapter 645B of NRS and the certificate is based on the exemption set forth in subsection 6 of NRS 645B.015, as that subsection existed before the enactment of this act, the person may, until January 1, 2004, provide the services of a mortgage broker or otherwise engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage broker without being licensed pursuant to chapter 645B of NRS.

2. Notwithstanding the amendatory provisions of this act, if a person, on July 1, 2003, holds a certificate of exemption issued pursuant to chapter 645E of NRS and the certificate is based on the exemption set forth in subsection 6 of NRS 645E.150, as that subsection existed before the enactment of this act, the person may, until January 1, 2004, provide the services of a mortgage banker or otherwise engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage banker without being licensed pursuant to chapter 645E of NRS.".

Amend the title of the bill, thirteenth line, after "of" by inserting "mortgage bankers,".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 490.

Remarks by Assemblyman Goldwater.

Motion carried by a two-thirds constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 137, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment(s) of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA40, which is attached to and hereby made a part of this report.

MARCUS CONKLIN	BARBARA CEGAVSKE
CHRIS GIUNCHIGLIANI	DINA TITUS
VALERIE WEBER	RAYMOND D. RAWSON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA40.

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. *1. There is hereby established an advisory committee to the Committee consisting of:*

(a) The Superintendent of Public Instruction;

(b) The Administrator of the Aging Services Division of the Department of Human Resources;

(c) The Chief of the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation;

(d) The Chief of the Bureau of Services to the Blind and Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; and

(e) Any persons appointed by the Chairman of the Committee pursuant to subsection 2.

2. The Chairman of the Committee shall appoint representatives from local advocacy and provider groups to serve on the advisory committee, as the Chairman deems necessary.

3. Each member of the advisory committee described in paragraph (a), (b), (c) or (d) of subsection 1 may designate a representative to serve in his place on the advisory committee or to replace him at a meeting of the Committee or the advisory committee.

4. Each member of the advisory committee who is not an officer or employee of the State serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

5. Each member of the advisory committee who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may attend meetings of the Committee or the advisory committee and is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency that employs him.".

Amend the bill as a whole by renumbering sec. 10 as sec. 11 and adding a new section designated sec. 10, following sec. 9, to read as follows:

"Sec. 10. 1. The Legislative Committee on Persons With Disabilities shall conduct a study for the purpose of establishing an Interagency Transition Plan concerning the transition from school to work for pupils with disabilities and to study ways to more fully implement the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., in Nevada and to study the facilitation of the use of service animals in this state.

2. The study must, without limitation:

(a) Include a review of programs available for pupils with disabilities in the secondary school environment, including a review of the outcomes for such pupils after exiting school, as a means of determining costs and potential savings for such programs;

(b) Identify gaps in services that may exist for pupils with disabilities who are transitioning out of school into the workforce and develop strategies for narrowing these gaps, including postsecondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living and community participation; and

(c) Determine ways of better implementing the provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq., for the benefit of the residents of the State of Nevada, including appropriate access for persons with disabilities and facilitating the use of service animals.

3. The Legislative Committee on Persons With Disabilities shall establish an Interagency Transition Plan for the purpose of facilitating the transition from school to work for pupils with disabilities.

4. The Legislative Committee on Persons With Disabilities shall submit a copy of the Interagency Transition Plan established pursuant to subsection 3 and a report of the results of the study conducted pursuant to subsection 1 and any recommendations for legislation to the 73rd Session of the Nevada Legislature.”.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 137.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 249, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment(s) of the Senate be receded from.

CHRIS GIUNCHIGLIANI	RAYMOND D. RAWSON
PEGGY PIERCE	BERNICE MATHEWS
PETE GOICOECHEA	BOB COFFIN
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 249.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK MANENDO, *Chairman*

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

Assembly in recess at 8:28 p.m.

ASSEMBLY IN SESSION

At 9:59 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 554, 555; Senate Bill No. 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended, reading so far considered second reading, rules further suspended, Assembly Bills Nos. 268, 466; Senate Bills Nos. 132 and 292 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 3.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1009.

Amend section 1, page 2, line 26, after "*state*" by inserting: "*whose population is less than 100,000*".

Amend section 1, page 2, line 35, by deleting "*Five*" and inserting "*Ten*".

Amend section 1, page 2, line 40, after "*state*" by inserting: "*whose population is less than 100,000*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 268.

Bill read third time.

Roll call on Assembly Bill No. 268:

YEAS—41.

NAYS—Mabey.

Assembly Bill No. 268 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

Roll call on Assembly Bill No. 466:

YEAS—42.

NAYS—None.

Assembly Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

Bill read third time.

Roll call on Assembly Bill No. 554:

YEAS—36.

NAYS—Angle, Beers, Buckley, Gibbons, Gustavson, Oceguera—6.

Assembly Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 555.

Bill read third time.

Remarks by Assemblyman Knecht.

Conflict of interest declared by Assemblyman Knecht.

Roll call on Assembly Bill No. 555:

YEAS—26.

NAYS—Andonov, Angle, Beers, Brown, Carpenter, Christensen, Claborn, Gibbons, Grady, Gustavson, Hettrick, Mabey, Marvel, Sherer, Weber—15.

NOT VOTING—Knecht.

Assembly Bill No. 555 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that the action whereby Senate Amendment No. 712 to Assembly Bill No. 493 was not concurred in be rescinded.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 493.

The following Senate amendment was read:

Amendment No. 712.

Amend the bill as a whole by deleting sections 2 and 3 and adding new sections designated as sections 2 and 3, following section 1, to read as follows:

"Sec. 2. *1. Except as otherwise provided by law, any money appropriated to the Commissioner or the Division and any money collected by the Commissioner or Division pursuant to law:*

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) May only be used to:

(1) Carry out the programs and laws administered by the Commissioner and the Division; and

(2) Pay the expenses related to the operations of the Commissioner and the Division.

2. Except as otherwise provided by law, any money that remains in the account at the end of the fiscal year, does not revert to the State General Fund, and the balance of the account must be carried forward to the next fiscal year.

3. The Commissioner shall administer the account. Any interest or income earned on the money in the account must be credited to the account, after deducting any applicable charges. Any claims against the account must be paid as other claims against the State are paid.

Sec. 3. 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit service that is supervised pursuant to chapter 604 of NRS;

(b) Escrow agent that is supervised pursuant to chapter 645 A of NRS;

(c) Mortgage broker that is supervised pursuant to chapter 645B of NRS;

(d) Mortgage company that is supervised pursuant to chapter 645E of NRS;

(e) Collection agency that is supervised pursuant to chapter 649 of NRS;

(f) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(g) Trust company that is supervised pursuant to chapter 669 of NRS;

(h) Development corporation that is supervised pursuant to chapter 670 of NRS;

(i) Corporation for economic revitalization and diversification that is supervised pursuant to chapter 670A of NRS;

(j) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(k) Savings and loan association that is supervised pursuant to chapter 673 of NRS;

(l) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(m) Person engaged in the business of debt adjusting that is supervised pursuant to chapter 676 of NRS;

(n) Thrift company that is supervised pursuant to chapter 677 of NRS; and

(o) Credit union that is supervised pursuant to chapter 678 of NRS.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services

provided by the Attorney General to the Commissioner and to the Division. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of section 2 of this act.".

Amend the bill as a whole by deleting sec. 4 and adding:

"Sec. 4. (Deleted by amendment.)".

Amend sec. 5, page 3, line 34, by deleting "paid into" and inserting: "~~[paid into]~~ *deposited in*".

Amend sec. 5, page 3, by deleting line 35 and inserting: "~~State [General Fund.]~~ *Treasury pursuant to the provisions of*".

Amend sec. 6, page 4, line 3, after "of the" by inserting: "*money deposited to the*".

Amend sec. 6, page 4, by deleting line 4 and inserting: "~~State [General Fund]~~ *Treasury pursuant to the provisions of*".

Amend sec. 7, page 4, by deleting lines 35 through 37 and inserting: "must be ~~[paid into]~~ *deposited in* the State ~~[General Fund and the State Treasurer shall issue a receipt therefor.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 8, page 5, line 1, by deleting "paid into" and inserting: "~~[paid into]~~ *deposited in*".

Amend sec. 8, page 5, by deleting line 2 and inserting: "~~State [General Fund.]~~ *Treasury pursuant to the provisions of*".

Amend sec. 9, page 5, by deleting lines 9 and 10 and inserting: "~~[paid into]~~ *deposited in* the State ~~[General Fund]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 10, page 5, by deleting lines 27 and 28 and inserting: "in the State Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of section 2 of this act.*".

Amend the bill as a whole by deleting sec. 11 and adding:

"Sec. 11. (Deleted by amendment.)".

Amend sec. 12, page 7, by deleting lines 1 and 2 and inserting: "Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of section 2 of this act.*".

Amend sec. 13, page 8, by deleting lines 21 and 22 and inserting: "Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of section 2 of this act.*".

Amend sec. 14, page 9, by deleting lines 44 and 45 and inserting: "Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of section 2 of this act.*".

Amend sec. 15, page 10, by deleting lines 38 and 39 and inserting: "deposited in the State Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of section 2 of this*".

Amend sec. 16, page 11, by deleting lines 2 and 3 and inserting: "chapter must be ~~[paid into the State General Fund.]~~ *deposited in the State Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 16, page 11, by deleting lines 5 and 6 and inserting: "expenses incurred under this chapter must be paid from the *money deposited in the* State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section*".

Amend sec. 17, page 11, by deleting lines 24 and 25 and inserting: "~~[forthwith delivered to the State Treasurer and must be paid into]~~ *deposited in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of*".

Amend sec. 18, page 11, by deleting lines 40 through 42 and inserting: "sums so received by the Commissioner must be ~~[delivered to the State Treasurer and must be paid into]~~ *deposited in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 19, page 12, line 11, by deleting "paid" and inserting "~~[paid~~".

Amend sec. 19, page 12, by deleting lines 12 and 13 and inserting: "~~into]~~ *deposited in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.* Copies of appraisals must be".

Amend sec. 20, page 12, by deleting lines 42 and 43 and inserting: "~~[delivered to the State Treasurer and paid into]~~ *deposited in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this*".

Amend sec. 21, page 13, by deleting lines 9 through 11 and inserting: "shall ~~[deliver it to the State Treasurer. The fees shall be paid into]~~ *deposit the fees in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 22, page 13, by deleting lines 15 and 16 and inserting: "~~[paid into]~~ *deposited in* the State ~~[General Fund, and the State Treasurer shall issue his receipt therefor.]~~ *Treasury pursuant to the provisions of*".

Amend sec. 23, page 13, by deleting lines 29 and 30 and inserting: "subsection 2 must be deposited in the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 24, page 13, by deleting lines 34 and 35 and inserting: "~~[paid into]~~ *deposited in* the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 25, page 13, by deleting lines 39 and 40 and inserting: "deposited in the State ~~[General Fund.]~~ *Treasury pursuant to the provisions of section 2 of this act.*".

Amend sec. 26, page 14, by deleting lines 11 and 12 and inserting: "regulation adopted ~~[thereunder,]~~ *pursuant thereto* in the State Treasury ~~[for credit to the State General Fund.]~~ *pursuant to the provisions of*".

Amend the bill as a whole by deleting sections 27 and 28 and adding:

"Secs. 27 and 28. (Deleted by amendment.)".

Amend sec. 29, page 15, by deleting lines 27 through 29 and inserting:

"Sec. 29. 1. This act becomes".

Amend sec. 29, page 15, line 34, by deleting "3." and inserting "2.".

Amend the title of the bill to read as follows:

"AN ACT relating to state financial administration; providing that certain money collected by the Commissioner of Financial Institutions and the Division of Financial Institutions of the Department of Business and Industry must be deposited in the State Treasury and accounted for separately in the State General Fund; providing that the money deposited in the State Treasury by the Commissioner and the Division and accounted for separately in the State General Fund must be used to carry out the programs and pay for the expenses of the Commissioner and the Division; providing that the Commissioner shall collect an assessment from certain financial institutions for the purpose of recovering the cost to the Commissioner for legal services provided by the Attorney General to the Commissioner and the Division; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for money collected by Commissioner of Financial Institutions and Division of Financial Institutions of Department of Business and Industry to be deposited in State Treasury and to be accounted for separately in State General Fund. (BDR 55-463)".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 493.

Remarks by Assemblyman Goldwater.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 23, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment(s) of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA43, which is attached to and hereby made a part of this report.

PEGGY PIERCE	WILLIAM J. RAGGIO
ELLEN KOIVISTO	RANDOLPH J. TOWNSEND
CHAD CHRISTENSEN	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA43.

Amend section 1, pages 2 and 3, by deleting lines 6 through 45 on page 2 and lines 1 through 5 on page 3, and inserting:

"

Class	County	~~[County Commissioner]~~	District Attorney	Sheriff	County Clerk	County Assessor	County Recorder	County Treasurer	Public Administrator
1	Clark	~~[$54,000~~	~~$100,800~~	~~$84,000~~	~~$72,000~~	~~$72,000~~	~~$72,000~~	~~$72,000~~	~~$72,000]~~
			$155,745	*$134,263*	*$91,138*	*$91,138*	*$91,138*	*$91,138*	*$91,138*
2	Washoe	~~[39,600~~	~~96,000~~	~~78,000~~	~~66,000~~	~~66,000~~	~~66,000~~	~~66,000~~	~~66,000]~~
			137,485	*110,632*	*83,543*	*83,543*	*83,543*	*83,543*	*83,543*
3	Carson City	~~[18,000~~	~~72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~-------~~	~~51,360~~	~~-------]~~
			98,707	*81,846*	*65,012*	*65,012*	--------	*65,012*	--------
	Churchill	~~[18,000~~	~~72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~51,360~~	~~-------~~	~~-------]~~
			98,707	*81,846*	*65,012*	*65,012*	*65,012*	--------	--------
	Douglas	~~[18,000~~	~~72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~51,360~~	~~-------~~	~~-------]~~
			98,707	*81,846*	*65,012*	*65,012*	*65,012*	--------	--------
	Elko	~~[18,000~~	~~72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~51,360~~	~~51,360~~	~~-------]~~
			98,707	*81,846*	*65,012*	*65,012*	*65,012*	*65,012*	--------
	Humboldt		*98,707*	*81,846*	*65,012*	*65,012*	*65,012*	*65,012*	--------
	Lyon	~~[18,000~~	~~72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~51,360~~	~~-------~~	~~-------]~~
			98,707	*81,846*	*65,012*	*65,012*	*65,012*	--------	--------
	Nye	~~[18,000~~	~~72,360~~	~~60,000~~	~~51,360~~	~~51,360~~	~~51,360~~	~~51,360~~	~~-------]~~
			98,707	*81,846*	*65,012*	*65,012*	*65,012*	*65,012*	--------
~~[4~~	~~Humboldt~~	~~18,000~~	~~68,340~~	~~54,000~~	~~42,840~~	~~42,840~~	~~42,840~~	~~42,840~~	~~-------]~~
4	Lander	~~[18,000~~	~~68,340~~	~~54,000~~	~~42,840~~	~~42,840~~	~~42,840~~	~~42,840~~	~~-------]~~
			93,223	*73,662*	*54,227*	*54,227*	*54,227*	*54,227*	--------
	White Pine	~~[18,000~~	~~68,340~~	~~54,000~~	~~42,840~~	~~42,840~~	~~42,840~~	~~42,840~~	~~-------]~~
			93,223	*73,662*	*54,227*	*54,227*	*54,227*	*54,227*	--------
5	Eureka	~~[15,240~~	~~60,300~~	~~43,200~~	~~38,400~~	~~38,400~~	~~38,400~~	~~-------~~	~~-------]~~
			82,256	*58,929*	*48,607*	*48,607*	*48,607*	--------	--------
	Lincoln	~~[15,240~~	~~60,300~~	~~43,200~~	~~38,400~~	~~38,400~~	~~38,400~~	~~38,400~~	~~-------]~~
			82,256	*58,929*	*48,607*	*48,607*	*48,607*	*48,607*	--------
	Mineral	~~[15,240~~	~~60,300~~	~~43,200~~	~~38,400~~	~~38,400~~	~~38,400~~	~~-------~~	~~-------]~~
			82,256	*58,929*	*48,607*	*48,607*	*48,607*	--------	--------
	Pershing	~~[15,240~~	~~60,300~~	~~43,200~~	~~38,400~~	~~38,400~~	~~38,400~~	~~-------~~	~~-------]~~
			82,256	*58,929*	*48,607*	*48,607*	*48,607*	--------	--------
	Storey		*82,256*	*58,929*	*48,607*	*48,607*	*48,607*	--------	--------
6	Esmeralda	~~[12,000~~	~~47,880~~	~~38,400~~	~~33,600~~	~~33,600~~	~~33,600~~	~~-------~~	~~-------]~~
			65,314	*52,382*	*42,531*	*42,531*	*42,531*	--------	--------
	~~[Storey~~	~~15,240~~	~~47,880~~	~~43,200~~	~~38,400~~	~~38,400~~	~~38,400~~	~~-------~~	~~-------]~~

3. A board of county commissioners may, by a vote of at least a majority of all the members of the board, set the annual salary for the county commissioners of that county, but in no event may the annual salary exceed an amount which equals 126.65 percent of the amount of the annual salary for the county commissioners of that county that was in effect by operation of statute on January 1, 2003.".

Amend the title of the bill by deleting the second through sixth lines and inserting: "certain elected county officers; authorizing a board of county commissioners to set the annual salary for a county commissioner of that county within certain limitations; authorizing a county to request and receive a waiver from the increases in compensation of certain elected county officers in the event of insufficient financial".

Amend the summary of the bill to read as follows:

"SUMMARY—Increases compensation of certain elected county officers and authorizes board of county commissioners to set salary of county commissioners. (BDR 20-163)".

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 23.

Remarks by Assemblymen Pierce, McClain, Atkinson, and Leslie.

Potential conflict of interest declared by Assemblymen McClain, Atkinson, and Leslie.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 441.

The following Senate amendment was read:

Amendment No. 1008.

Amend sec. 12, pages 4 and 5, by deleting lines 18 through 45 on page 4 and lines 1 through 6 on page 5, and inserting:

"Sec. 12. *1. The Nevada Commission on Homeland Security, consisting of the members appointed pursuant to this section, is hereby created.*

2. The Governor shall appoint to the Commission a number of members that he determines to be appropriate, except that the Commission must include at least:

(a) One member who is a representative of a Nevada law enforcement agency; and

(b) One member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement.

3. The Senate Majority Leader shall appoint one member of the Senate as a nonvoting member of the Commission.

4. The Speaker of the Assembly shall appoint one member of the Assembly as a nonvoting member of the Commission.

5. Except for the initial members, the term of office of each member of the Commission who is a Legislator is 2 years and commences on July 1 of the year of appointment.

6. The Governor or his designee shall:

(a) Serve as Chairman of the Commission; and

(b) Appoint a member of the Commission to serve as Vice Chairman of the Commission.".

Amend the bill as a whole by deleting sec. 13 and adding:

"Sec. 13. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 17.5, following sec. 17, to read as follows:

"Sec. 17.5. *On or before February 15 of each year, the Governor shall:*

1. Prepare a report setting forth:

(a) The activities of the Commission; and

(b) A description of any matters with respect to which the Commission held a closed meeting or closed a portion of a meeting, if any, accompanied by an explanation of the reasons why the Commission determined that the meeting or portion thereof needed to be closed; and

2. Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(b) If the Legislature is not in session, the Legislative Commission.".

Amend sec. 21, page 8, by deleting lines 34 through 36 and inserting:

"*(f) Documents, records or other items of information regarding the infrastructure and security of frequencies for radio transmissions used by response agencies, including, without limitation:*

(1) Access codes, passwords or programs used to ensure the security of frequencies for radio transmissions used by response agencies;

(2) Procedures and processes used to ensure the security of frequencies for radio transmissions used by response agencies; and

(3) Plans used to reestablish security and service with respect to frequencies for radio transmissions used by response agencies after security has been breached or service has been interrupted.".

Amend the bill as a whole by adding a new section designated sec. 27.5, following sec. 27, to read as follows:

"Sec. 27.5. Chapter 242 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, records and portions of records that are assembled, maintained, overseen or prepared by the Department to mitigate, prevent or respond to acts of terrorism, the public disclosure of which would, in the determination of the Director, create a substantial likelihood of threatening the safety of the general public are confidential and not subject to inspection by the general public to the extent that such records and portions of records consist of or include:

(a) Information regarding the infrastructure and security of information systems, including, without limitation:

(1) Access codes, passwords and programs used to ensure the security of an information system;

(2) Access codes used to ensure the security of software applications;

(3) Procedures and processes used to ensure the security of an information system; and

(4) Plans used to reestablish security and service with respect to an information system after security has been breached or service has been interrupted.

(b) Assessments and plans that relate specifically and uniquely to the vulnerability of an information system or to the measures which will be taken to respond to such vulnerability, including, without limitation, any compiled underlying data necessary to prepare such assessments and plans.

(c) The results of tests of the security of an information system, insofar as those results reveal specific vulnerabilities relative to the information system.

2. The Director shall maintain or cause to be maintained a list of each record or portion of a record that the Director has determined to be confidential pursuant to subsection 1. The list described in this subsection

must be prepared and maintained so as to recognize the existence of each such record or portion of a record without revealing the contents thereof.

3. At least once each biennium, the Director shall review the list described in subsection 2 and shall, with respect to each record or portion of a record that the Director has determined to be confidential pursuant to subsection 1:

(a) Determine that the record or portion of a record remains confidential in accordance with the criteria set forth in subsection 1;

(b) Determine that the record or portion of a record is no longer confidential in accordance with the criteria set forth in subsection 1; or

(c) If the Director determines that the record or portion of a record is obsolete, cause the record or portion of a record to be disposed of in the manner described in NRS 239.073 to 239.125, inclusive.

4. On or before February 15 of each year, the Director shall:

(a) Prepare a report setting forth a detailed description of each record or portion of a record determined to be confidential pursuant to this section, if any, accompanied by an explanation of why each such record or portion of a record was determined to be confidential; and

(b) Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

5. As used in this section, "act of terrorism" has the meaning ascribed to it in section 5 of this act.".

Amend sec. 30, page 15, lines 36 and 41, by deleting "*2004,*" and inserting "*2005,*".

Amend sec. 31, page 16, lines 12 and 17, by deleting "*2004,*" and inserting "*2005,*".

Amend the bill as a whole by deleting sec. 32 and adding:

"Sec. 32. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 38 and adding:

"Sec. 38. (Deleted by amendment.)".

Amend sec. 39, page 25, by deleting lines 5 through 15 and inserting:

"1. The Senate Majority Leader shall appoint one member of the Senate to the Nevada Commission on Homeland Security pursuant to subsection 3 of section 12 of this act to a term that expires on June 30, 2005.

2. The Speaker of the Assembly shall appoint one member of the Assembly to the Nevada Commission on Homeland Security pursuant to subsection 4 of section 12 of this act to a term that expires on June 30, 2005.".

Amend sec. 40, page 25, line 20, after "inclusive," by inserting "and 27.5".

Amend the title of the bill to read as follows:

"AN ACT relating to homeland security; creating the Nevada Commission on Homeland Security; setting forth the membership and duties of the

Commission; providing certain exceptions to the open meeting law; requiring certain political subdivisions to adopt and maintain a response plan; establishing a plan for the continuation of state and local governmental operations; requiring certain utilities to conduct vulnerability assessments and to prepare emergency response plans; revising provisions relating to certain unlawful acts committed against utilities; requiring the Director of the Department of Information Technology to determine the confidentiality of certain records relating to the security of the State; providing for the confidentiality of certain documents, records and other information; imposing certain requirements for interoperability with respect to information and communication systems purchased by this state and local governments; requiring certain governmental entities to place automated external defibrillators in certain buildings and facilities; making various changes with respect to the authority of the Department of Motor Vehicles to accept and reject certain documents; increasing certain criminal penalties with respect to the fraudulent use of drivers' licenses and identification cards; making an appropriation; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 441.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Senate Bill No. 497.

Bill read third time.

Remarks by Assemblymen Anderson, Weber, and Angle.

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

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Senate Bill 497 authorizes the Board of County Commissioners in a county whose population is as the Chief Clerk described. The bill clarifies that any proceeds or fees imposed on certain rental cars must be used solely to pay the cost to acquire, improve, equip, operate, and maintain a minor league baseball stadium in the County of Washoe. The measure notes that the board may not repeal, amend, or modify an ordinance imposing this fee in a manner that impairs any outstanding bond issue to incur by the county. In addition, the bill stipulates that the adoption ordinance must require the Board to enter into a contract with the Nevada Department of Taxation to perform all functions relative to collection and administration of the rental car fee. It further requires the Board of County Commissioners to create a stadium authorized to operate the minor league baseball stadium project. The authority must consist of one member of the Board, one member from the governing body of each city in the county whose population is 60,000 or more, and two persons appointed by the owner of any home team that is selected. The measure authorizes the Board of County Commissioners that has adopted the ordinance to set up a fee for rental cars to acquire, improve, equip, and maintain such a stadium. The bill further allows the revenue bonds to be payable from the proceeds of an addition to the rental car fee, with the general revenue from fees and rates charged from using the stadium to include parking, concessions, and ticket sales.

ASSEMBLYWOMAN WEBER:

Thank you, Mr. Speaker. To avoid the appearance of impropriety I will abstain from this vote, as my sister-in-law is a Washoe County Commissioner.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I have deep concerns about this bill, but during the hearings I was promised by the proponents that they would protect the taxpayers' interests in Washoe County by making those provisions within the contracts, therefore I will be supporting this bill. Thank you, Mr. Speaker.

Conflict of interest declared by Assemblywoman Weber.

Roll call on Senate Bill No. 497:

YEAS—41.

NAYS—None.

NOT VOTING—Weber.

Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 306 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 306.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1015.

Amend sec. 3, page 2, by deleting line 23 and inserting:

"Sec. 3. This act becomes effective on July 1, 2003, and expires by limitation on June 30, 2005.".

Amend the title of the bill, first line, after "Guard;" by inserting "temporarily".

Amend the summary of the bill to read as follows:

"SUMMARY—Temporarily revises provisions governing educational benefits provided to members of Nevada National Guard. (BDR 36-991)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

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

Assembly in recess at 10:19 p.m.

ASSEMBLY IN SESSION

At 11:42 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 355, 471, and 447 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 370, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment(s) of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA41, which is attached to and hereby made a part of this report.

DAVID GOLDWATER	DEAN A. RHOADS
JOSH GRIFFIN	ANN O'CONNELL
DAVID PARKS	BOB COFFIN
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA41.

Amend the bill as a whole by deleting sections 1 through 20 and adding new sections designated sections 1 through 19, following the enacting clause, to read as follows:

"Section 1. Chapter 375 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to all other taxes imposed on transfers of real property, the board of county commissioners of a county whose population is less than 400,000 may impose a tax at the rate of up to 5 cents for each $500 of value, or fraction thereof, on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, if the consideration or value of the interest or property conveyed exceeds $100.

2. The amount of the tax must be computed on the basis of the value of the transferred real property as declared pursuant to NRS 375.060.

3. The county recorder shall collect the tax in the manner provided in NRS 375.030, except that he shall transmit all the proceeds from the tax imposed pursuant to this section to the State Treasurer for use in the Plant Industry Program as required by NRS 561.355.

Sec. 2. NRS 375.018 is hereby amended to read as follows:

375.018 With regard to the administration of ~~[the real property transfer tax,]~~ *any tax imposed by this chapter,* the county recorder shall apply the following principles:

1. Forms, instructions and regulations governing the computation of the amount of tax due must be brief and easily understood.

2. In cases where another authority, such as the United States or this state, also imposes a tax upon the same property or revenue, the mechanism for collecting the tax imposed by the county must be as nearly compatible with the collection of the other taxes as is feasible.

3. Unless a change is made necessary by statute or to preserve compatibility with a tax imposed by another authority, the forms, instructions and regulations must remain the same from year to year, to make the taxpayer's liability as predictable as is feasible.

4. Exemptions or waivers, where permitted by statute, must be granted:

(a) Equitably among eligible taxpayers; and

(b) As sparingly as is consistent with the legislative intent, to retain the broadest feasible base for the tax.

Sec. 3. NRS 375.030 is hereby amended to read as follows:

375.030 1. If any deed evidencing a transfer of title subject to the tax imposed by NRS 375.020 and, if applicable, NRS 375.025 ~~[,]~~ *and section 1 of this act,* is offered for recordation, the county recorder shall compute the amount of the tax due and shall collect that amount before acceptance of the deed for recordation.

2. The buyer and seller are jointly and severally liable for the payment of the taxes imposed by NRS 375.020 and 375.025 *and section 1 of this act* and any penalties and interest imposed pursuant to subsection 3. The escrow holder is not liable for the payment of the taxes imposed by NRS 375.020 and 375.025 *and section 1 of this act* or any penalties or interest imposed pursuant to subsection 3.

3. If after recordation of the deed, the county recorder disallows an exemption that was claimed at the time the deed was recorded or through audit or otherwise determines that an additional amount of tax is due, the county recorder shall promptly notify the person who requested the recording of the deed and the buyer and seller of the additional amount of tax due. If the additional amount of tax is not paid within 30 days after the date the buyer and seller are notified, the county recorder shall impose a penalty of 10 percent of the additional amount due in addition to interest at the rate of 1 percent per month, or portion thereof, of the additional amount due calculated from the date of the original recordation of the deed on which the additional amount is due through the date on which the additional amount due, penalty and interest are paid to the county recorder.

4. This section does not prohibit a buyer and seller from agreeing by contract or otherwise that one party or the other will be responsible for the payment of the tax due pursuant to this chapter, but such an agreement does not affect the ability of the county recorder to collect the tax and any penalties and interest from either the buyer or the seller.

Sec. 4. NRS 375.070 is hereby amended to read as follows:

375.070 1. The county recorder shall transmit the proceeds of the ~~[real property transfer]~~ tax *imposed by NRS 375.020* at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each $500 of value or fraction thereof must be transmitted to the State Controller who shall deposit that amount in the Account for Low-Income Housing created pursuant to NRS 319.500.

(b) In a county whose population is more than 400,000, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each $500 of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

(c) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.

2. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of affordable housing for families whose income does not exceed 80 percent of the median income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development. A county or city that uses the proceeds in that manner must give priority to the development of affordable housing for persons who are disabled or elderly.

3. The expenses authorized by subsection 2 include, but are not limited to:

(a) The costs to acquire land and developmental rights;

(b) Related predevelopment expenses;

(c) The costs to develop the land, including the payment of related rebates;

(d) Contributions toward down payments made for the purchase of affordable housing; and

(e) The creation of related trust funds.

Sec. 5. NRS 375.090 is hereby amended to read as follows:

375.090 The ~~[tax]~~ *taxes* imposed by NRS 375.020 and 375.025 ~~[does]~~ *and section 1 of this act do* not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a corporation and its parent corporation, a subsidiary or an affiliated corporation if the affiliated corporation has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer of title to community property without consideration when held in the name of one spouse to both spouses as joint tenants or tenants in common, or as community property.

6. A transfer of title between spouses, including gifts.

7. A transfer of title between spouses to effect a property settlement agreement or between former spouses in compliance with a decree of divorce.

8. A transfer of title to or from a trust, if the transfer is made without consideration, and is made to or from:

(a) The trustor of the trust;

(b) The trustor's legal representative; or

(c) A person related to the trustor in the first degree of consanguinity.

As used in this subsection, "legal representative" has the meaning ascribed to it in NRS 167.020.

9. Transfers, assignments or conveyances of unpatented mines or mining claims.

10. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

11. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of consanguinity.

12. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act, if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

13. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:

(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;

(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and

(c) The transfer or conveyance is made in obedience to the order.

14. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.

15. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.

16. A transfer, assignment or other conveyance of real property to a corporation sole from another corporation sole. As used in this subsection, "corporation sole" means a corporation which is organized pursuant to the provisions of chapter 84 of NRS.

Sec. 6. NRS 375.120 is hereby amended to read as follows:

375.120 The county recorder shall:

1. Conduct and apply audits and other procedures for enforcement as uniformly as is feasible.

2. Collect ~~[real property transfer]~~ *any* tax *that is* due *pursuant to the provisions of this chapter* in an equitable manner, so that every taxpayer pays the full amount imposed by law.

Sec. 7. NRS 375.130 is hereby amended to read as follows:

375.130 1. The county recorder may audit all records relating to the collection and calculation of ~~[the real property transfer tax.]~~ *any tax imposed by this chapter.* If the county recorder deems it necessary to conduct an audit, the audit must be completed within 3 years after the date of the original recording of the document that evidences the transfer of property for which the tax was imposed.

2. The county recorder may issue subpoenas to require the production of documents necessary for him to determine the amount of ~~[real property transfer]~~ *the* tax due pursuant to this chapter or to determine whether a person qualifies for an exemption from taxes pursuant to this chapter. The county recorder may have the subpoenas served, and upon application of the district attorney, to any court of competent jurisdiction, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action.

Sec. 8. NRS 375.160 is hereby amended to read as follows:

375.160 1. If any ~~[real property transfer]~~ tax imposed pursuant to this chapter is not paid when due, the county may, within 3 years after the date that the tax was due, record a certificate in the office of the county recorder which states:

(a) The amount of the ~~[real property transfer]~~ tax and any interest or penalties due;

(b) The name and address of the person who is liable for the amount due as they appear on the records of the county; and

(c) That the county recorder has complied with all procedures required by law for determining the amount due.

2. From the time of the recording of the certificate, the amount due, including interest and penalties, constitutes:

(a) A lien upon the real property for which the tax was due if the person who owes the tax still owns the property; or

(b) A demand for payment if the property has been sold or otherwise transferred to another person.

3. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the recording of the certificate unless sooner released or otherwise discharged.

4. Within 5 years after the date of recording the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by recording a new certificate in the office of the county recorder. From the time of recording the new certificate, the lien is extended for 5 years, unless sooner released or otherwise discharged.

Sec. 9. NRS 375.170 is hereby amended to read as follows:

375.170 1. If a person is delinquent in the payment of ~~[the real property transfer]~~ *any* tax *imposed by this chapter* or has not paid the amount of a deficiency determination, the county may bring an action in a court of this state, a court of any other state or a court of the United States that has competent jurisdiction to collect the delinquent or deficient amount, penalties and interest. The action:

(a) May not be brought if the decision that the payment is delinquent or that there is a deficiency determination is on appeal to a hearing officer pursuant to NRS 375.320.

(b) Must be brought not later than 3 years after the payment became delinquent or the determination became final.

2. The district attorney shall prosecute the action. The provisions of the Nevada Revised Statutes, Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings. In the action, a writ of attachment may issue. A bond or affidavit is not required before an attachment may be issued.

3. In an action, a certificate by the county recorder showing the delinquency is prima facie evidence of:

(a) The determination of the tax or the amount of the tax;

(b) The delinquency of the amounts; and

(c) The compliance by the county recorder with all the procedures required by law relating to the computation and determination of the amounts.

Sec. 10. NRS 375.250 is hereby amended to read as follows:

375.250 1. The Legislature hereby declares that each taxpayer has the right:

(a) To be treated by officers and employees of the county recorder with courtesy, fairness, uniformity, consistency and common sense.

(b) To a prompt response from the county recorder to each communication from the taxpayer.

(c) To provide the minimum documentation and other information as may reasonably be required by the county recorder to carry out his duties.

(d) To be notified, in writing, by the county recorder whenever an officer or employee of the county recorder determines that the taxpayer is entitled to an exemption or has been taxed more than is required pursuant to this chapter.

(e) To written instructions indicating how the taxpayer may petition for a refund for overpayment of ~~[real property transfer]~~ *any* tax, interest or penalties.

(f) To recover an overpayment of ~~[real property transfer]~~ *any* tax promptly upon the final determination of such an overpayment.

(g) To obtain specific advice from the county recorder concerning ~~[real property transfer]~~ *any* tax.

(h) In any meeting with the county recorder, including an audit, conference, interview or hearing:

(1) To an explanation by an officer, agent or employee of the county recorder that describes the procedures to be followed and the rights of the taxpayer thereunder;

(2) To be represented by himself or anyone who is otherwise authorized by law to represent him before the county recorder;

(3) To make an audio recording using the taxpayer's equipment and at the taxpayer's expense; and

(4) To receive a copy of any document or audio recording made by or in the possession of the county recorder relating to the determination or collection of any tax for which the taxpayer is assessed pursuant to this chapter, upon payment of the actual cost to the county recorder of making the copy.

(i) To a full explanation of the authority of the county recorder to collect the ~~[real property transfer]~~ tax or to collect *a* delinquent ~~[real property transfer]~~ tax, including, without limitation, the procedures and notices for review and appeal that are required for the protection of the taxpayer. An explanation which meets the requirements of this section must also be included with each notice to a taxpayer that an audit will be conducted by the county.

(j) To the immediate release of any lien which the county recorder has placed on real property for the nonpayment of ~~[the real property transfer]~~ *a* tax when:

(1) The tax is paid;

(2) The period of limitation for collecting the tax expires;

(3) The lien is the result of an error by the county recorder;

(4) The county recorder determines that the taxes, interest and penalties are secured sufficiently by a lien on other real property;

(5) The release or subordination of the lien will not jeopardize the collection of the taxes, interest and penalties; or

(6) The release of the lien will facilitate the collection of the taxes, interest and penalties.

(k) To be free from harassment and intimidation by an officer or employee of the county recorder for any reason.

2. The provisions of this chapter governing the administration and collection of taxes by the county recorder must not be construed in such a manner as to interfere or conflict with the provisions of this section or any applicable regulations.

3. The provisions of this section apply to the administration and collection of taxes pursuant to this chapter.

Sec. 11. NRS 375.270 is hereby amended to read as follows:

375.270 The county recorder shall provide each taxpayer who it determines may be liable for taxes pursuant to this chapter with simplified written instructions concerning the rights and responsibilities of the taxpayer, including the:

1. Keeping of records sufficient for audit purposes;

2. Procedures for paying ~~[the real property transfer tax;]~~ *any taxes that are due;* and

3. Procedures for challenging any liability for ~~[real property transfer]~~ *any* tax, penalties or interest and for requesting refunds of *any* erroneously paid ~~[real property transfer]~~ tax, including the steps for appealing a denial thereof.

Sec. 12. NRS 375.290 is hereby amended to read as follows:

375.290 A taxpayer is entitled to receive on any overpayment of ~~[the real property transfer]~~ *any* tax *imposed by this chapter* a refund together with interest at a rate determined pursuant to NRS 17.130. No interest is allowed on a refund of any penalties or interest on the ~~[real property transfer]~~ tax that is paid by a taxpayer.

Sec. 13. NRS 375.300 is hereby amended to read as follows:

375.300 The county recorder shall provide a taxpayer with a response to any written request submitted by the taxpayer that relates to a ~~[real property transfer]~~ tax *imposed by this chapter* within 30 days after the county treasurer receives the request.

Sec. 14. NRS 375.330 is hereby amended to read as follows:

375.330 1. The county recorder may waive any ~~[real property transfer]~~ tax, penalty and interest owed by the taxpayer *pursuant to this chapter* if the taxpayer meets the criteria adopted by regulation. If a waiver is granted pursuant to this subsection, the county shall prepare and maintain on file a statement that contains:

(a) The reason for the waiver;

(b) The amount of the tax, penalty and interest owed by the taxpayer; and

(c) The amount of the tax, penalty and interest waived by the county.

2. If the county recorder or a designated hearing officer finds that the failure of a person to make a timely payment of ~~[the real property transfer]~~ *any* tax imposed is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent to avoid

such payment, the county recorder may relieve him of all or part of any interest or penalty or both.

3. If a person proves to the satisfaction of the county recorder that he has in good faith remitted the ~~[real property transfer]~~ tax in reliance upon written advice provided by an officer or employee of the county recorder, an opinion of the district attorney or Attorney General, or the written results of an audit of his records conducted by the county recorder, the county recorder may not require the taxpayer to pay delinquent taxes, penalties or interest if the county recorder determines after the completion of a subsequent audit that the taxes the taxpayer remitted were deficient.

Sec. 15. Chapter 226 is hereby amended by adding thereto a new section to read as follows:

There is hereby created an account for the rebate of the governmental services tax to senior citizens within the State General Fund. The State Treasurer shall administer the account.

Sec. 16. NRS 388.750 is hereby amended to read as follows:

388.750 1. An educational foundation:

(a) Shall comply with the provisions of chapter 241 of NRS;

(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and

(c) Is exempt from the ~~[tax on transfers of real property]~~ *taxes imposed by NRS 375.020 and 375.025 and section 1 of this act* pursuant to subsection 14 of NRS 375.090.

2. An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, "educational foundation" means a nonprofit corporation, association or institution or a charitable organization that is:

(a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;

(b) Formed pursuant to the laws of this state; and

(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 17. NRS 396.405 is hereby amended to read as follows:

396.405 1. A university foundation:

(a) Shall comply with the provisions of chapter 241 of NRS;

(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;

(c) Is exempt from the ~~[tax on transfers of real property]~~ *taxes imposed by NRS 375.020 and 375.025 and section 1 of this act* pursuant to subsection ~~[14]~~ *15* of NRS 375.090; and

(d) May allow a president or an administrator of the university or community college which it supports to serve as a member of its governing body.

2. A university foundation is not required to disclose the name of any contributor or potential contributor to the university foundation, the amount of his contribution or any information which may reveal or lead to the discovery of his identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, "university foundation" means a nonprofit corporation, association or institution or a charitable organization that is:

(a) Organized and operated exclusively for the purpose of supporting a university or a community college;

(b) Formed pursuant to the laws of this state; and

(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 18. NRS 561.355 is hereby amended to read as follows:

561.355 1. The Plant Industry Program is hereby established.

2. The following fees and money must be used in the Plant Industry Program:

(a) Fees and money collected pursuant to the provisions of chapters 552, 555, 581, 582 and 587 of NRS.

(b) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of bees, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 552 of NRS.

(c) Laboratory fees collected for the diagnosis of infectious, contagious and destructive diseases of agricultural commodities, and infestations thereof by pests, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of *chapter 554 of* NRS . ~~[554.010 to 554.240, inclusive.]~~

(d) Laboratory fees collected for the survey and identification of insect pests, plant diseases and noxious weeds, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of NRS 555.005 to 555.249, inclusive.

(e) Laboratory fees collected for the testing of the purity and germinating power of agricultural seeds, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of NRS 587.015 to 587.123, inclusive.

(f) Money received from a tax on the transfer of real property imposed pursuant to section 1 of this act.

3. Expenditures for the Plant Industry Program must be made only for the purposes of carrying out the provisions of this chapter and chapters 552, 554, 555, 581, 582 and 587 of NRS.

4. The money credited to the Program pursuant to section 1 of this act must be allocated for disbursement to each county in proportion to the amount of money collected in that county and must only be used:

(a) By the Department for programs on the exclusion, detection and control of:

(1) Invasive species; and

(2) Endemic pests and weeds designated by the Director; and

(b) For grants to local governments and nonprofit organizations for the control or management of such species, pests and weeds.

5. Not later than 30 days after the beginning of each fiscal year, the Department shall present to each board of county commissioners for approval by each such board proposed programs for the exclusion, detection and control of invasive species and endemic pests and weeds designated by the Director that involve cooperative action between the Department and the county.

6. As used in this section:

(a) "Invasive species" means any living organism not native to this state that may present a threat to the economy, environment or public health of this state.

(b) "Local government" has the meaning ascribed to it in NRS 237.050.

Sec. 19. This act becomes effective on July 1, 2003.".

Amend the title of the bill to read as follows:

"AN ACT relating to taxation; authorizing the board of county commissioners of certain counties to impose an additional tax on the transfer of real property; requiring the proceeds of the tax to be used for the control of invasive species and certain endemic pests and weeds; creating an account for the rebate of the governmental services tax to senior citizens; requiring the State Department of Agriculture to present annually to each board of county commissioners proposed programs for the control of such species, pests and weeds; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes board of county commissioners of certain counties to impose additional tax on transfer of real property for control of invasive species and certain endemic pests and weeds and creates account for rebate of governmental services tax to senior citizens. (BDR 32-39)".

Assemblyman Oceguera moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 370.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 436, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment(s) of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA22, which is attached to and hereby made a part of this report.

BARBARA BUCKLEY	VALERIE WIENER
DAVID BROWN	MARK E. AMODEI
MARCUS CONKLIN	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA22.

Amend sec. 23, page 12, line 43, after "stockholders" by inserting "*or creditors*".

Amend sec. 34, page 23, line 20, by deleting "*15D*" and inserting "*15(d)*".

Amend the bill as a whole by adding a new section designated sec. 80.5, following sec. 80, to read as follows:

"Sec. 80.5. NRS 80.015 is hereby amended to read as follows:

80.015 1. For the purposes of this chapter, the following activities do not constitute doing business in this state:

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the board of directors or stockholders or carrying on other activities concerning internal corporate affairs;

(c) Maintaining accounts in banks or credit unions;

(d) Maintaining offices or agencies for the transfer, exchange and registration of the corporation's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside of this state through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside of this state and filling them by shipping goods into this state;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not doing business in this state within the meaning of this section need not qualify or comply with any provision of this chapter, chapter 645A, 645B or 645E of NRS or title 55 or 56 of NRS unless he:

(a) Maintains an office in this state for the transaction of business; or

(b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS.

4. *The fact that a person is not doing business in this state within the meaning of this section:*

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this state may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not doing business in this state, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section and for the purposes of NRS 80.016, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.".

Amend the bill as a whole by deleting sections 139 through 142 and adding new sections designated sections 139 through 142, following sec. 138, to read as follows:

"Sec. 139. Chapter 86 of NRS is hereby amended by adding thereto the provisions set forth as sections 140, 141 and 142 of this act.

Sec. 140. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 141. *1. For the purposes of NRS 86.543 to 86.549, inclusive, and sections 141 and 142 of this act, the following activities do not constitute transacting business in this state:*

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the managers or members or carrying on other activities concerning internal company affairs;

(c) Maintaining accounts in banks or credit unions;

(d) Maintaining offices or agencies for the transfer, exchange and registration of the company's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside this state through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside this state and filling them by shipping goods into this state;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not transacting business in this state within the meaning of this section need not qualify or comply with any provision of this chapter, title 55 or 56 of NRS or chapter 645A, 645B or 645E of NRS unless he:

(a) Maintains an office in this state for the transaction of business; or

(b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS.

4. The fact that a person is not transacting business in this state within the meaning of this section:

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this state may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not transacting business in this state, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

Sec. 142. *1. For the purposes of section 141 of this act, a solicitation of a deposit is made in this state, whether or not either party is present in this state, if the solicitation:*

(a) Originates in this state; or

(b) Is directed by the solicitor to a destination in this state and received where it is directed, or at a post office in this state if the solicitation is mailed.

2. A solicitation of a deposit is accepted in this state if acceptance:

(a) Is communicated to the solicitor in this state; and

(b) Has not previously been communicated to the solicitor, orally or in writing, outside this state.

Acceptance is communicated to the solicitor in this state, whether or not either party is present in this state, if the depositor directs it to the solicitor reasonably believing the solicitor to be in this state and it is received where it is directed, or at any post office in this state if the acceptance is mailed.

3. A solicitation made in a newspaper or other publication of general, regular and paid circulation is not made in this state if the publication:

(a) Is not published in this state; or

(b) Is published in this state but has had more than two-thirds of its circulation outside this state during the 12 months preceding the solicitation.

If a publication is published in editions, each edition is a separate publication except for material common to all editions.

4. A solicitation made in a radio or television program or other electronic communication received in this state which originates outside this state is not made in this state. A radio or television program or other electronic communication shall be deemed to have originated in this state if the broadcast studio or origin of the source of transmission is located within the State, unless:

(a) The program or communication is syndicated and distributed from outside this state for redistribution to the general public in this state;

(b) The program is supplied by a radio, television or other electronic network whose electronic signal originates outside this state for redistribution to the general public in this state;

(c) The program or communication is an electronic signal that originates outside this state and is captured for redistribution to the general public in this state by a community antenna or cable, radio, cable television or other electronic system; or

(d) The program or communication consists of an electronic signal which originates within this state, but which is not intended for redistribution to the general public in this state.".

Amend the bill as a whole by deleting sec. 160 and adding a new section designated sec. 160, following sec. 159, to read as follows:

"Sec. 160. NRS 86.549 is hereby amended to read as follows:

86.549 The Attorney General may bring an action to restrain a foreign limited-liability company from transacting business in this state in violation of NRS 86.543 to 86.549, inclusive ~~[.]~~ *, and sections 141 and 142 of this act.*".

Amend the bill as a whole by deleting sections 174 through 176 and adding new sections designated sections 174 through 176, following sec. 173, to read as follows:

"Sec. 174 Chapter 88 of NRS is hereby amended by adding thereto the provisions set forth as sections 175 and 176 of this act.

Sec. 175. *1. For the purposes of NRS 88.570 to 88.605, inclusive, and sections 175 and 176 of this act, the following activities do not constitute transacting business in this state:*

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the managers or members or carrying on other activities concerning internal company affairs;

(c) Maintaining accounts in banks or credit unions;

(d) Maintaining offices or agencies for the transfer, exchange and registration of the company's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside this state through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside this state and filling them by shipping goods into this state;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not transacting business in this state within the meaning of this section need not qualify or comply with any provision of this chapter, title 55 or 56 of NRS or chapter 645A, 645B or 645E of NRS unless he:

(a) Maintains an office in this state for the transaction of business; or

(b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS.

4. The fact that a person is not transacting business in this state within the meaning of this section:

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this state may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not transacting business in this state, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

Sec. 176. *1. For the purposes of section 175 of this act, a solicitation of a deposit is made in this state, whether or not either party is present in this state, if the solicitation:*

(a) Originates in this state; or

(b) Is directed by the solicitor to a destination in this state and received where it is directed, or at a post office in this state if the solicitation is mailed.

2. A solicitation of a deposit is accepted in this state if acceptance:

(a) Is communicated to the solicitor in this state; and

(b) Has not previously been communicated to the solicitor, orally or in writing, outside this state. Acceptance is communicated to the solicitor in this state, whether or not either party is present in this state, if the depositor directs it to the solicitor reasonably believing the solicitor to be in this state and it is received where it is directed, or at any post office in this state if the acceptance is mailed.

3. A solicitation made in a newspaper or other publication of general, regular and paid circulation is not made in this state if the publication:

(a) Is not published in this state; or

(b) Is published in this state but has had more than two-thirds of its circulation outside this state during the 12 months preceding the solicitation. If a publication is published in editions, each edition is a separate publication except for material common to all editions.

4. A solicitation made in a radio or television program or other electronic communication received in this state which originates outside this state is not made in this state. A radio or television program or other electronic communication shall be deemed to have originated in this state if the broadcast studio or origin of the source of transmission is located within the state, unless:

(a) The program or communication is syndicated and distributed from outside this state for redistribution to the general public in this state;

(b) The program is supplied by a radio, television or other electronic network whose electronic signal originates outside this state for redistribution to the general public in this state;

(c) The program or communication is an electronic signal that originates outside this state and is captured for redistribution to the general public in this state by a community antenna or cable, radio, cable television or other electronic system; or

(d) The program or communication consists of an electronic signal which originates within this state, but which is not intended for redistribution to the general public in this state.".

Amend the bill as a whole by deleting sec. 194 and adding a new section designated sec. 194, following sec. 193, to read as follows:

"Sec. 194. NRS 88.605 is hereby amended to read as follows:

88.605 The Attorney General may bring an action to restrain a foreign limited partnership from transacting business in this state in violation of NRS 88.570 to 88.605, inclusive ~~.~~ *, and sections 175 and 176 of this act.*".

Amend sec. 263, page 145, by deleting line 1 and inserting:

"(b) Notarized ~~.~~ *, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.*".

Assemblyman Oceguera moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 436.

Remarks by Assemblyman Oceguera.

Motion carried by a two-thirds constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 59, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment(s) of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA24, which is attached to and hereby made a part of this report.

MARK MANENDO	WARREN B. HARDY
ELLEN KOIVISTO	DEAN A. RHOADS
GARN MABEY	VALERIE WIENER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA24.

Amend sec. 2, page 3, by deleting lines 25 through 30 and inserting: "*in accordance with chapter 288 of NRS. If a school district is located in a county whose population is 100,000 or more, the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection 8.*".

Amend sec. 2, page 4, line 32, by deleting "providing" and inserting: "~~[providing]~~ *:*

(a) Providing".

Amend sec. 2, page 4, between lines 35 and 36, by inserting:

"*(b) Defining a rural portion of a county and a remote portion of a county for the purposes of subsection 2.*".

Assemblyman Oceguera moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 59.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

GENERAL FILE AND THIRD READING

Senate Bill No. 132.

Bill read third time.

Remarks by Assemblyman Geddes.

Roll call on Senate Bill No. 132:

YEAS—23.

NAYS—Andonov, Beers, Brown, Carpenter, Christensen, Collins, Geddes, Gibbons, Goicoechea, Grady, Gustavson, Hettrick, Knecht, Mabey, Marvel, Ohrenschall, Sherer, Weber—18.

EXCUSED—Angle.

Senate Bill No. 132 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

Senate Bill No. 292.

Bill read third time.

Roll call on Senate Bill No. 292:

YEAS—42.

NAYS—None.

Senate Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 507.

Bill read third time.

Roll call on Senate Bill No. 507:

YEAS—29.

NAYS—Andonov, Angle, Beers, Brown, Christensen, Gibbons, Grady, Gustavson, Hettrick, Knecht, Mabey, Sherer, Weber—13.

Senate Bill No. 507 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 355.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 355:

YEAS—42.

NAYS—None.

Senate Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 447.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Assemblywoman Giunchigliani requested that her remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. On page 8, Section 6, the definition of public money was intended to exclude the Public Employees' Retirement System of Nevada fund. We have an Attorney General's opinion that they should not be counted in that, but we weren't exactly sure what the language exactly did, so we wanted to note this for the record. Thank you.

Roll call on Senate Bill No. 447:

YEAS—42.

NAYS—None.

Senate Bill No. 447 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 471.

Bill read third time.

Roll call on Senate Bill No. 471:

YEAS—33.

NAYS—Andonov, Angle, Beers, Brown, Buckley, Carpenter, Gibbons, Gustavson, Ohrenschall—9.

Senate Bill No. 471 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Senate Bill No. 3 just returned from the printer, be declared an emergency measure under the Constitution and placed on the General File.

Motion carried.

Assemblywoman Buckley moved that all rules be suspended and that Senate Bill No. 306 just returned from the printer, be declared an emergency measure under the Constitution and placed on the General File

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 3.

Bill read third time.

Roll call on Senate Bill No. 3:

YEAS—42.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 306.

Bill read third time.

Roll call on Senate Bill No. 306:

YEAS—42.

NAYS—None.

Senate Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 553.

Bill read third time.

Roll call on Assembly Bill No. 553:

YEAS—24.

NAYS—Anderson, Andonov, Angle, Beers, Brown, Carpenter, Christensen, Gibbons, Goicoechea, Grady, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—18.

Assembly Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:57 p.m.

ASSEMBLY IN SESSION

At 12:55 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 203, 552.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 460, Amendment No. 1014, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 32.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 985 to Senate Bill No. 210; Assembly Amendment No. 987 to Senate Bill No. 250; Assembly Amendment No. 977 to Senate Bill No. 499.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rawson, Mathews and Rhoads as a first Conference Committee concerning Senate Bill No. 258.

Also, I have the honor to inform your honorable body that the Senate on this day refused to adopt the report of the first Conference Committee concerning Senate Bill No. 97.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 432; Assembly Bills Nos. 23, 232, 249, 250.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 3, 2003

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 474, 482, 553, 555.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1009 to Senate Bill No. 3; Assembly Amendment No. 992 to Senate Bill No. 292; Assembly Amendment No. 922 to Senate Bill No. 400.

Also, I have the honor to inform your honorable body that the Senate on this day refused to adopt the report of the first Conference Committee concerning Assembly Bill No. 163.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Senate Bill No. 229.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 258.

MARY JO MONGELLI
Assistant Secretary of the Senate

Senate Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1039.

Amend sec. 3, page 1, by deleting lines 8 and 9 and inserting: "*consisting of 9 members appointed by the Legislative Commission, is hereby created. Appointments to the Commission must be made from a list of persons recommended to the Legislative Commission by organizations and other entities which represent or promote the interests of minority groups in this state.*".

Amend sec. 3, page 1, line 11, by deleting "*groups.*" and inserting: "*groups that reflects the general population of this state.*".

Amend sec. 3, page 2, by deleting lines 1 through 8 and inserting:

"*3. The members of the Commission shall elect a Chairman and a Vice Chairman from among its members.*

4. The term of office of the Chairman and the Vice Chairman is 2 years.".

Amend sec. 4, page 2, line 12, by deleting "*3*" and inserting "*2*".

Amend sec. 4, page 2, line 17, by deleting "*Governor.*" and inserting "*Legislative Commission.*".

Amend sec. 7, page 2, by deleting lines 40 through 42 and inserting:

"*3. Study the:*

(a) Availability of employment for minorities in this state, and the manner in which minorities are employed;

(b) Manner in which minorities can be encouraged to start and manage their own businesses successfully; and

(c) Availability of affordable housing for minorities;".

Amend sec. 11, page 3, line 29, by deleting "Governor" and inserting "Legislative Commission".

Amend sec. 11, page 3, line 32, by deleting "Four" and inserting "Five".

Amend sec. 11, page 3, by deleting line 33.

Amend sec. 12, page 3, line 34, by deleting "2003." and inserting: "2003, and expires by limitation on June 30, 2007.".

Amend the title of the bill, first and second lines, by deleting: "the Executive Department of State Government;" and inserting "minority groups;".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and the reprinting of Senate Bill No. 249 be dispensed with and the bill be placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 249.

Bill read third time.

Roll call on Senate Bill No. 249:

YEAS—35.

NAYS—Angle, Gustavson, Hettrick—3.

NOT VOTING—Gibbons.

ABSENT—Collins, Giunchigliani, Goldwater—3.

Senate Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

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

Thank you, Mr. Speaker. Harry Emerson Fosdick said, "Democracy is based upon the conviction that there are extraordinary possibilities in ordinary people." This Body is proof of that. Every two years, 42 ordinary people leave family, friends, and jobs to come to this building to conduct the people's business. We pride ourselves in being the people's House, mirroring the spirit and independence of Nevadans. We are teachers, ranchers, business people, doctors, lawyers, or ordinary people, yet we've been given an extraordinary opportunity to serve. Each and every citizen in this State will be affected by something that someone in this Body did in this session.

It's easy to forget, with this very sloppy ending to a Legislative Session, some of the things we did do.

We completed the integration of Child Welfare Services to better serve abused children. We now have a statewide Amber Alert System so that law enforcement has the tools they need to find missing children before it's too late. We looked out for school children. We improved accountability measures, improved school discipline problems, we continued a program to replace old crumbling schools, and as always, we continued our work to keep classrooms small, to recruit and retain the best possible teachers, and to provide our schools the textbooks and materials they need. We looked out for homeowners. After a couple of unsuccessful sessions, we finally passed some landmark construction defect legislation in an effort to try to serve people who are trying to get their homes fixed while avoiding lawsuits. We looked out for consumers. We passed a significant no-call registry to keep telemarketers from bothering people at home with unwanted calls. We added protections for people buying rebuilt wrecks, or getting a home loan. We enacted insurance reforms. In the wake of the Enron and WorldCom scandals we enacted new protections against corporate fraud. We looked out for public safety. We enacted anti-terrorism legislation and new offenses that will lock up individuals who commit sex crimes against our children. We enacted additional penalties for identity theft and strengthened our domestic violence laws.

We looked out for the sick and injured by making critical reforms to our health care system. We provided new hope for cancer patients. We allowed patients of managed care organizations a new way to get independent review of denials of care by HMOs. We made some critical reforms to medical malpractice insurance and improved Senior Rx by doubling the number of seniors

who could get prescription drugs for the first time, helping individuals with disabilities to get prescription drugs, all without a new cent of General Fund dollars by taking advantage of a new federal Medicaid Waiver Program. We looked out for our senior citizens. In addition to being benefited by no longer having to be bothered by telemarketing calls, we created a prescription help desk, we added penalties for abuse and exploitation of seniors, we provided for increased training for those with Alzheimer's.

Mr. Speaker, we worked through holidays, weekends, and exhaustion. We celebrated lots of different events while we were here. We have been inspired especially by the energy and enthusiasm of our freshman class. Whether Democratic or Republican, we have had the best group of freshmen that this Body has seen in years, and we thank all of you for your sacrifice and for joining us in an effort every day to do all we can while we are here to make Nevada a better place.

The accomplishments of our freshman class are to be commended, and the people of Nevada should have great confidence in this Body's next generation of leadership.

Each time I step into this Chamber, I am honored and privileged and awed to think that I had an opportunity to serve here. I don't think there is any other place in the country where someone who has no contacts with anyone in a political structure gets into office. They don't only get into office because they know someone—Nevada is not like that. People who are not anointed can run and serve in the Assembly. That is why our Assembly benefits so much from the experiences that so many different people bring to this Body.

Despite the challenges that we face as we end this session and start the Special Session, I don't think we should overlook the hard work that has been done and the great number of bills that have been enacted with contributions from every single person in this Chamber. When I created a list of some of the bills that we had passed this session, I was so impressed, whether it was child welfare, consumer protection, or crime. I had ten pages of bills, and in all my other sessions, I didn't have as many accomplishments in so many areas, and I hope that others aren't overshadowed. Perhaps they'll give us inspiration as we go forward with our Special Session.

Nevada is facing some special challenges, and we need to decide now what kind of State we want to be. In almost all of the bills that we consider in this Legislative Body, 95 percent of them are not partisan. They're done with an effort in making a law or process better in our State, and I hope we can remember all of these experiences with these bills as we move into the Special Session and put aside our differences and do what's right for the people of the state of Nevada as we did with so many important measures during this Legislative Session.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 78, 114, 240, 284, 358, 388 and 533; Senate Bills Nos. 34, 372, 420 and 460; Senate Concurrent Resolutions Nos. 13 and 31.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy M. Saitta.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Lora Mair.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Driscoll.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Buckley, Hettrick, and Oceguera as a committee to wait upon His Excellency, Governor Kenny Guinn, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Arberry, Griffin, and Anderson as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators Cegavske, Nolan, and Wiener, appeared before the Bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblyman Arberry reported that his committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblywoman Buckley reported that her committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblywoman Buckley moved that the Seventy Second Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 1:25 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

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CHOWNING, VONNE S., Assemblywoman from Clark County, No. 28 District—
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Conference re A.B. 218, 2187; A.B. 444, 2170; A.B. 518, 2225; S.B. 34, 2140.
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Moves—
Concur in Senate amendment(s) to A.B. 223, 2030; A.B. 239, 2031; A.B. 325, 2031; A.B. 358, Amend. No. 621, 2032; A.B. 394, 2088; A.B. 522, 1610.
Do not concur in Senate amendment(s) to A.B. 30, 2028; A.B. 358, Amend. No. 852, 2034; A.B. 444, 2038; A.B. 518, 2203.
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CHRISTENSEN, CHAD, Assemblyman from Clark County, No. 13 District—
Absences, excused, 347, 352, 359, 1281.
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CLABORN, JERRY D., Assemblyman from Clark County, No. 19 District—
Committee Appointments—
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Dennis, Reverend Marvin, Good Shepherd Weslyan Church, Carson City, 1473.
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COLLINS, TOM, Assemblyman from Clark County, No. 1 District—
Absences, excused, 77, 240, 1319.
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Heller, Dean, Secretary of State, 4.
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Transportation, 8.
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Concur in Senate amendment(s) to A.B. 215, 1813; A.B. 485, 1609.
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Remarks from the floor re Proclamation for Paul Iverson, 1398; A.B. 41, 1465, 1466; A.C.R. 4, 183; A.C.R. 23, 1346; S.B. 97, 1765.
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Assembly, S.B. 229, 2375.
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CONKLIN, MARCUS, Assemblyman from Clark County, No. 37 District—
Committee Appointments—
Conference re A.B. 55, 1326; A.B. 73, 1835; A.B. 155, 1626; A.B. 232, 2058; A.B. 250, 2305; A.B. 529, 2170; S.B. 137, 2304; S.B. 436, 2153.
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GEDDES, JASON, Assemblyman from Washoe County, No. 24 District—
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Conference re A.B. 250, 2305; A.B. 353, 2088; S.B. 34, 2140; S.B. 432, 2057.
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GIBBONS, DAWN, Assemblywoman from Washoe County, No. 25 District—
Absences, excused, 625.
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GIUNCHIGLIANI, CHRIS, Assemblywoman from Clark County, No. 9 District—
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GOICOECHEA, PETE, Assemblyman from Eureka, Pershing, White Pine, Churchill (Part), Humboldt (Part), Lander (Part), Washoe (Part) Counties, No. 35 District—
Absences, excused, 1473.
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Conference re A.B. 30, 2169; A.B. 114, 2178; A.B. 249, 2320; S.B. 144, 2151.
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LESLIE, SHEILA, Assemblywoman from Washoe County, No. 27 District—
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MANENDO, MARK, Assemblyman from Clark County, No. 18 District—
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MORTENSON, HARRY, Assemblyman from Clark County, No. 42 District—
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ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

SEVENTY-SECOND SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2003

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

Duties of Officers

Rule No. 1. Speaker of the Assembly.

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

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

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

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

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

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

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

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

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

(h) Sign all subpoenas issued by the Assembly.

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

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

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

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538; 1999, 3834; 2001, 3295]

Rule No. 2. Reserved.

Rule No. 3. Reserved.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

[Statutes of Nevada 1973, 1886; R 1985, 2315]

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857]

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

[Statutes of Nevada 1975, 1907; A 1999, 3835; 2001, 3296]

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion

of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers or within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers or an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers or within an Assembly committee room.

[Statutes of Nevada 2001, 3296; A 2003, 3602]

Rule No. 22. Reserved.

Rule No. 23. Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the State chosen by the members of the Committee who are appointed pursuant to paragraphs (a) and (b), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the Committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the Committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The Committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the Committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the Committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the Chairman. The Chairman shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the Committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Elections, Procedures, and Ethics or special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542; 1999, 3837; 2001, 3298]

Rule No. 31. Reserved.

Rule No. 32. Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fourteen members.
2. Judiciary, fifteen members.
3. Taxation, twelve members.
4. Education, twelve members.
5. Elections, Procedures, and Ethics, ten members.
6. Natural Resources, Agriculture, and Mining, twelve members.

7. Transportation, twelve members.
8. Commerce and Labor, fourteen members.
9. Health and Human Services, ten members.
10. Government Affairs, thirteen members.
11. Constitutional Amendments, five members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712; 1999, 3838; 2001, 3298; 2003, 3604]

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chairman and vice chairman of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to NRS 218.115, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543]

Rule No. 42. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. Definite action on a bill or resolution will require a majority of the entire committee.

4. A two-thirds majority of the entire committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures which are not prefiled requires concurrence of two-thirds of the entire committee and does not imply commitment to support final passage.

6. The chairman shall vote on all final action regarding bills or resolutions.

7. No member of the committee may vote by proxy under any circumstances.

8. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chairman has informed the Speaker of the intention of the committee to consider such a question.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3543; 2001, 3299]

Rule No. 43. Subcommittees.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544]

Rule No. 44. Committee on Elections, Procedures, and Ethics.

The Committee on Elections, Procedures, and Ethics has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attache or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544]

Rule No. 45. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections, Procedures, and Ethics. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not

make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544; 2003, 3605]

Rule No. 46. Committee Action on Reports.

Committee reports must be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chairman.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840]

Rule No. 47. Committee Records.

The chairman of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and
4. The subjects or measures considered and action taken.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840]

Rule No. 48. Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen must be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

[Statutes of Nevada 1973, 1904; A 1999, 3840]

Rule No. 49. Committee Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chairman, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair and furnish their names, addresses and firms or

other organizations represented. Committee members may address the chairman for permission to question the witness.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546; 1999, 3840; 2001, 3301]

Rule No. 50. Reserved.

Rule No. 51. Reserved.

Rule No. 52. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

[Statutes of Nevada 1975, 1909; A 1987, 2326; 1989, 2205; 1999, 3840]

The next rule is 60.

VI. RULES GOVERNING MOTIONS

Rule No. 60. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547; 1999, 3841; 2003, 3607]

Rule No. 61. Reserved.

Rule No. 62. Reserved.

PARTICULAR MOTIONS

Rule No. 63. Reserved.

Rule No. 64. Reserved.

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

Rule No. 68. To Reconsider—Precedence of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of business of Motions, Resolutions and Notices, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the:

1. Last day on which final action is allowed; or
2. Day preceding the last day of the session.

[Statutes of Nevada 1973, 1890; A 1999, 3841; 2001, 3302]

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

[Statutes of Nevada 1973, 1890]

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2001, 3302]

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 90. Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

[Statutes of Nevada 1973, 1890]

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

[Statutes of Nevada 1973, 1890; A 2001, 3303]

Rule No. 92. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the legislative building, appear in the Daily History and be made available to the news media. The Daily History must include the most current version of the notice that is available at the time the Daily History is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

[Statutes of Nevada 1975, 1915; A 1995, 2855; 1997, 3549; 1999, 3842]

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549]

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to books containing the legislative bills and resolutions, the legislative Daily Histories, the legislative Daily Journals or Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891]

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for or occupied by signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2001, 3303]

Rule No. 97. Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550]

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

Rule No. 99. Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

[Statutes of Nevada 1973, 1891]

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891; A 1999, 3843]

Rule No. 101. Reserved.

[Statutes of Nevada 1987, 2327; R 1989, 2206]

Rule No. 102. Privileged Questions.

Privileged questions have precedence of all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 2001, 3304]

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

[Statutes of Nevada 1973, 1883; A 1973, 1911; R 1983, 2106]

Rule No. 105. Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

[Statutes of Nevada 1973, 1893]

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

[Statutes of Nevada 1973, 1893; A 1999, 3844]

Rule No. 107. Reserved.

[Statutes of Nevada 1973, 1893; R 1985, 2316]

Rule No. 108. Reserved.

[Statutes of Nevada 1985, 2316; R 1987, 2327]

Rule No. 109. Reading of Bills.

The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858]

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members must be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended must be reprinted, engrossed, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the

General File must be reprinted and then engrossed or reengrossed, as applicable.

3. The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

[Statutes of Nevada 1975, 1915; A 1997, 3552; 1999, 3844]

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552; 1999, 3845; 2001, 3305]

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings must be placed upon a General File, to be kept by the Chief Clerk. Bills must be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

[Statutes of Nevada 1973, 1895; A 1997, 3553; 1999, 3845; 2001, 3305]

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration must be given on the day on which the final vote was taken by a member voting with the prevailing party. It is not in order for any member to move a reconsideration on the day on which the final vote was taken, except by unanimous consent. There may be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

[Statutes of Nevada 1973, 1895; A 1999, 3845]

Rule No. 116. Vetoed Bills.

Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must be taken up and considered immediately upon the coming in of the message transmitting the same, or become the subject of a special order. When the message is received, or (if made a special order) when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

[Statutes of Nevada 2001, 3306]

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and
2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895; A 1999, 3846; 2003, 3612]

Rule No. 119. Reserved.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206; 1999, 3846; 2001, 3307]

Rule No. 121. Reserved.

Rule No. 122. Renumbered as Rule No. 102 and reserved for future use.

[Statutes of Nevada 1973, 1896; A 1999, 3846; R 2001, 3307]

Rule No. 123. Renumbered as Rule No. 82 and reserved for future use.

[Statutes of Nevada 1973, 1896; R 2001, 3307]

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Renumbered as Rule No. 116 and reserved for future use.

[Statutes of Nevada 1973, 1896; A 1995, 2861; 1997, 3555; 1999, 3847; R 2001, 3307]

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897; A 1999, 3847]

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897]

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two conference committees on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964; 1999, 3848]

MESSAGES

Rule No. 2. Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full in the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The Secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full in the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Chief Clerk.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310]

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 410; A 1999, 3849]

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656; 1999, 3849]

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chairman of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or

resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. The number of primary joint sponsors must not exceed five per bill or resolution. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

[Statutes of Nevada R 1979, 1964; A 1999, 3849]

PRINTING

Rule No. 6. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476]

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Affairs and Operations or the Assembly Committee on Elections, Procedures, and Ethics before submission to the Legislative Counsel.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903; 1999, 3851]

VETOES

Rule No. 8. Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read in the Senate by the Secretary of the Senate and in the Assembly by the Chief Clerk of the Assembly, without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

[Statutes of Nevada 1920-21, 410; A 1999, 3851]

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or

the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897; 2001, 3313]

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific Daylight Time on the 120th calendar day of session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. Any action taken in violation of subsection 2 shall be deemed out of order.

[Statutes of Nevada 2003, 3747]

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956; A 2001, 3314]

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent. If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chairman of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147]

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the records;

(b) Make the records available for accessing by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person accessing any of the records and identifying the records accessed; and

(d) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner he deems reasonable to ensure access to the record in the foreseeable future.

[Statutes of Nevada 1979, 2012; A 1999, 3853]

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

(a) Two requests from each Assemblyman; and

(b) Four requests from each Senator,

for the drafting of a bill or resolution.

2. Except as otherwise provided in subsections 4 and 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 22nd calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 22nd day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. The Legislative Counsel shall not honor a request for the drafting of a bill or resolution submitted by a member or standing committee of the Senate or Assembly unless such information as is required to draft the measure is submitted to the Legislative Counsel with the request.

6. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

7. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

8. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

9. If two or more measures are being considered in the same House which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

10. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; l993, 3124; 1995, 2868; 1997, 3563; 1999, 3854, 3911; 2001, 3317]

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d), whichever is earlier.

(b) If a bill requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill. The revised bill may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d), whichever is earlier.

(c) If the bill requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill. A bill revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d), whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill the final date on which the bill may be introduced.

3. If the final date on which the bill may be introduced falls upon a day on which the House in which the bill is to be introduced is not in session, the bill may be introduced on the next day that the House is in session.

[Statutes of Nevada 1999, 3856, 3912]

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses; Final Date for Requesting Drafting of Reports for Conference Committees.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill is referred in its House of origin may only take action on the bill on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill is referred in the second House may only take action on the bill on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill may only be taken by the second House on or before the 110th calendar day of the legislative session.

No notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed.

[Statutes of Nevada 1999, 3857, 3913, 4007; A 2001, 3319; 2003, 3592]

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the

behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

[Statutes of Nevada 1999, 3857, 3914; A 2001, 3320]

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rule No. 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless such information as is required to draft the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

6. No notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed by a waiver.

[Statutes of Nevada 1999, 3858, 3914, 4007; A 2001, 3320; 2003, 3593]

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt after it is printed. A notation of each exemption granted after

the bill was printed must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all subsequent reprints of the bill.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.2 and 14.3 apply to a bill until it is determined to be exempt pursuant to subsection 1. A bill determined to be exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A bill required to carry out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

[Statutes of Nevada 1999, 3859, 3915, 4008; A 2001, 3321; 2003, 3594]

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.2 and 14.3.

[Statutes of Nevada 1999, 3860]

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

Rule No. 15. Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President Pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor

Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President Pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

[Statutes of Nevada 1985, 2404; A 1987, 2335; 2001, 3322]

INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

Rule No. 16. Delivery of Bill Drafts Requested by State Agencies and Local Governments.

1. Except as otherwise provided in subsection 2, on or before the third legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the third legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

[Statutes of Nevada 1989, 2366; A 1999, 3860; 2003, 3596]

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 89th calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597; A 2001, 3323]

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;
2. The extent to which coverage for the treatment or service is currently available;
3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;
4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;
5. The effect the required coverage will have on the cost of health care provided in this state; and
6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909]

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all Legislators and lobbyists. Each member and lobbyist is responsible to

conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each person subject to these Rules must exercise his own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Legislature or the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission, when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

4. A person may have a claim of sexual harassment even if he has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

5. If a Legislator believes he is being sexually harassed on the job, he may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. Except as otherwise provided in subsection 7, the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint received pursuant to subsection 5 to a committee consisting of Legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

7. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections, Procedures, and Ethics of the Assembly or the Committee on Legislative Affairs and Operations of the Senate, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

8. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

9. If the investigation reveals that sexual harassment has occurred, the Legislature will take appropriate disciplinary or remedial action, or both. The committee shall inform the complainant of any action taken. The Legislature will also take any action necessary to deter any future harassment.

10. The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

11. The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

12. Action taken by a complainant pursuant to this Rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

13. All Legislators and lobbyists are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and the protections against becoming a victim of sexual harassment set forth in this policy apply to employees, Legislators, lobbyists, vendors, contractors, customers and visitors to the Legislature.

14. This policy does not create any enforceable legal rights in any person.

[Statutes of Nevada 1995, 3015; A 1999, 3862]

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

[Statutes of Nevada 1995, 3022]

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

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C E R T I F I C A T E

STATE OF NEVADA
ASSEMBLY CHAMBER } SS.

This is to certify that the foregoing Journal of the Assembly, published in this volume, is a true, full, and correct copy of the original Journal of the Assembly of the Seventy Second Session of the Legislature of the State of Nevada, held in 2003.

Speaker of the Assembly.

Chief Clerk of the Assembly.